

best practices before the end of October. And we understand that after review of those materials, the EAC will decide whether to issue a guidance document or recommend best practices. Projecting a late November date for those decisions seems reasonable. If the EAC does decide to issue a Guidance Document on Provisional Voting, the time needed for a review by the advisory boards is likely to delay a public hearing until January.

While we have made a good start on the Voter ID sections of our research, most time and resources this month were dedicated to resolving issues involved in Provisional Voting.

This report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting.

Please direct questions or comments about this report to Tom O'Neill at:

[REDACTED]

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to Provisional Voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed in August, and Task 3.5 is well underway.

Task 3.5: Analysis and Alternative Approaches. Assess the potential, problems, and challenges of Provisional Voting and develop alternative means to achieve the goals of Provisional Voting.

LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. This information constitutes the compendium of legislation, administrative regulations, and case law called for under this task. It has provided a base of understanding for the analysis of states' actual experience with Provisional Voting in 2004, for which the Eagleton team has lead responsibility.

Description: The Moritz team has created a 50-state chart to summarize information on Provisional Voting, compiled statutes, case law and administrative procedures regarding Provisional Voting and is near completion with this research.

Progress: We have completed the memorandum outlining Provisional Voting legislative changes since the 2004 election and we are continuing to clarify the laws prior to these changes.

Challenges: The variety in the form and frequency of Provisional Voting legislation from state to state makes creating a snap-shot view across states a challenge.

Work Plan: The analysis of the information, data, and survey results concerning Provisional Voting was completed in September, on schedule. We are now revising it in response to comments by the Peer Review Group (PRG). We are also revising the alternatives document to reflect the critique of the PRG and the guidance from the EAC in response to the September 6 briefing.

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team has researched and compiled a narrative of each state's experience with Provisional Voting in 2004. The report findings from the survey of 400 local election officials are now complete. The survey results have proven to be instrumental in shaping our

understanding of actual practice in administering Provisional Voting, including the steps local officials took to prepare for the election.

PROVISIONAL VOTING NARRATIVES

Description: To construct the narratives, a researcher examined newspaper accounts, state websites, and reports from third-party organizations to gather information on the experience with Provisional Voting in the 2004 election. To organize the information derived from this examination, we created an information system that catalogues information about the states (i.e. whether a state was new to Provisional Voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combined it with Moritz's collection and analysis of statutes, regulations and litigation.

Progress: We completed a state-by-state narrative of developments in Provisional Voting and distributed it to the EAC and the PRG. This work has been helpful in understanding the context of the data collected on provisional voting from the states.

Challenges: The primary obstacle to constructing the narratives was difficulty in communicating and obtaining necessary information from various state officials. As a result, the narratives underwent several revisions to incorporate up-to-date and reliable information. Now that so many other analyses, including the Election Day Survey, have been released, we were challenged by different interpretations of the same basic facts. But the reconciliation of interpretation and data collection has been invaluable in establishing rigor in our report.

Work Plan: We completed revisions of the narratives incorporating comments from the PRG.

PROVISIONAL VOTING STATISTICAL ANALYSIS

Description: Throughout September the Eagleton research team revised and clarified its statistical analysis, and worked to reconcile the classifications of this analysis (such as states counting only those provisional ballots cast within the proper precinct versus states that counted ballots cast within the proper county) with the classification made in other parts of this study or in other studies (such as the Election Day Study or *Electionline* reports).

Progress: In response to comments from the PRG, we have clarified and sharpened the presentation on the methods used and results achieved in the statistical analysis. We have double checked the classification of variables upon which the study is based and reconciled differences in various areas of the overall study. This effort is nearing completion.

Challenges: The difficulties encountered have been a result of communication delays and time constraints. Overall, these are not problems or hindrances, but simply slow down the process.

Work Plan: In mid-October we aim to complete a final revision of the statistical analysis and a full reconciliation of all data within the study.

SURVEY OF COUNTY ELECTION OFFICIALS

Description: The Eagleton Center for Public Interest Polling (CPIP) conducted a national survey of county election officials to measure several aspects of Provisional Voting.

Progress: The analysis of the survey results and findings report is complete. As a result of the critique by the PRG, the research team is revising and clarifying the descriptions of the survey design and sample selection process to make the research methods more transparent.

Work Plan: We used the information from the survey in drafting the analysis and alternatives document required under Task 3.5. We will include necessary clarifications regarding survey design and sample selection in the final analysis and alternatives document.

Peer Review Group

Most members of the PRG met by telephone conference on September 21 to comment on all the research described above. Participating in the meeting were Michael Alvarez, Martha Kropf, Dan Lowenstein, Peter Verniero, Brad Smith, and Tim Storey. Timothy O'Rourke contributed his comments separately. The group provided a detailed critique of our approach, methods, and conclusions, and we are now revising each document in response to the comments and suggestions. It praised the quality of the work and the rigor of much of the analysis. A summary of the suggestions from the members of the PRG is attached to this report.

Challenges and Work Plan

Making arrangements for review of drafts by the PRG and by the EAC has taken longer than anticipated by the Work Plan. The schedule called for all research and analysis to have been completed and incorporated into a Draft Preliminary Guidance Document by mid September. The review process by the EAC and PRG took longer than contemplated by the Work Plan. And we now understand that the EAC will make a separate decision --that will require additional time-- whether to issue a Guidance Document or recommendations for best practices. It has not, therefore, been possible to schedule a public hearing or arrange for review of our work by the EAC's advisory boards, as called for in the Work Plan. We now aim to complete our reports and recommendations for guidance by the end of October, and to then await a response from the EAC before scheduling submission to the advisory boards or making arrangements for a hearing.

VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is proceeding concurrently with our work on the experience of Provisional Voting, and is becoming the principal focus of our research.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. This collection of material is nearing completion. It will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

Progress: The 50 State (plus the District of Columbia) chart has been completed, the voter identification statutes have been collected for all states and D.C., and summaries of the existing voter identification statutes have been written for all states and D.C.

Challenges: Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

Work Plan: Analysis of voter identification data will begin now.

SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of different voter ID regimes. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern and a sharp political debate over rigorous identification requirements for all voters. The research follows these developments both to monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

Individual narratives for the states with significant activity in voter ID will provide a resource for understanding the wide range of experience in the 2004 election. The narratives will include an appraisal of the prevalence and nature of vote fraud, a focus of the concern with increasing the rigor of voter ID requirements. We understand that the EAC has issued a

research contract that will focus on vote fraud and vote suppression. Our research in this area will be limited to developing an understanding of the tradeoffs between ballot security and access to the ballot. We have completed the basic database on voter identification issues has been completed, and the next key step will be drafting the first narratives.

VOTER ID AND TURNOUT ANALYSIS

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

Description: We have created a database and gathered statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election.

Progress: The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. We have also utilized exit poll data collected on Election Day 2004 as a resource for understanding the demographics of voter turnout.

Challenges: The analysis of these data has been postponed until the data reconciliation of Provisional Voting is complete. The main challenge now is an issue of time management. As a result of the extensive revision and data reconciliation efforts aimed at the Provisional Voting section of our work VID has been temporarily placed on hold.

Work Plan: The analysis of the impact that voter identification requirements have upon voter turnout should be completed by early November.

PROJECT MANAGEMENT

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a PRG. It reviews our research and methodology and provides valuable feedback and suggestions for the direction of our work.

Progress: The research team held its first conference call with PRG members on September 19, 2005. The research team will hold a workshop meeting on October 19, 2005 to address the PRG's comments.

Challenges: To date we still have not heard back from two PRG Members.

Projections: Revisions and clarifications to our reports on Provisional Voting will be resolved by the end of October. We will need to schedule a second conference call to review our research with regard to Voter Identification Requirements in late November. As noted earlier, a summary of the comments we have received from the PRG is attached to this report.

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding Provisional Voting and voter identification.

Progress: At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. We have reorganized our system by separating final drafts from earlier versions of documents, discarding dated files contained in the Information System, and updating the system as a whole.

Projections: The entire project team continues to use the Information System which contains the above referenced research, in working toward the preparation for our final reports to the EAC.

INTRANET

Description: All project team members have signed on to the Intranet site. The Intranet facilitates the exchange of information and collaboration among project participants.

Progress: Project team members regularly post drafts, completed materials and spreadsheets online for internal review. The intranet has helped team members and serves as an internal website with announcements and important documents readily available to all team members.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project September 1- September 30, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer at the EAC.

015295

***Peer Review Group
Summary of Comments
To the Eagleton/Moritz Group
Under Contract to Provide Research Assistance to the EAC***

October 15, 2005

The Peer Review Group (PRG) met by telephone conference on September 21. Those participating included: Michael Alvarez, John C. Harrison, Martha Kropf, Dan Lowenstein, Peter Verniero, Brad Smith, and Tim Storey. This summary also includes additional written remarks submitted by Martha Kropf and additional remarks from a follow-up phone call with Timothy O'Rourke. We are now addressing all the comments including, in some cases, returning to members of the group to seek further elaboration or clarification.

We encouraged the members of the PRG to comment about any aspect of the project. We furnished them with these materials before the meeting.

1. Survey of local (mainly county) officials conducted in June 2005.
2. State-by-state narrative of developments in provisional voting
3. Statistical Analysis of state provisional voting
4. Memorandum on Provisional Voting Litigation
5. Memorandum on Provisional Ballot Litigation by State
6. July Memorandum on Provisional Ballot Litigation by Issue

We suggested that PRG members rank our draft responses to each of the six key questions posed by the EAC along these lines:

- 1- Research supports conclusions well.
- 2- Research supports some conclusions. Specific questions are:
- 3- Research does not support conclusions. Major problems are:

On the Alternatives paper, we asked PRG members to list up to three items they found questionable in light of the research and their own knowledge of provisional voting and election administration and to give us their thoughts on alternative policies that we had no included.

General Suggestions

1. Make transparently clear the meaning of 'old' versus 'new' states. It is not enough to categorize the states as such, we need to determine why specific states were considered 'old' or 'new' (i.e. clarify what conditions were met by old states).

2. Be **clear** in our report about the **data that we were unable to obtain** and perhaps speculate on why that data was not available. (For example, do we have the documentation the state election boards gave the localities regarding counting practices? If not, why not? Indicate the states for which it was difficult to obtain data.

3. Prescribe less and **describe more** (tell what voters/administrators have done, not what they should have done or ought to do).

4. Questioned our assumption about public trust – How do we know that decreases in disputes/challenges signify an increase in public trust? We need to explain this assertion.

Specific Review by Area of Analysis/Document

Response to Statistical Review:

- Challenged our emphasis on the number of provisional ballots counted as a percentage of those cast as an indication of success of Provisional Voting. Suggested alternative relationships to consider (PB v. Turnout, PB v. Registered Voters, and PB v. Voting age Population).
- Wanted the inclusion of variation within states among counties (and geographical considerations).
- The report needs to address the quality and validity of the data used in the analysis.
- On Page 8, cautioned using the estimate of 280,000 disenfranchised voters who would have voted if outside precinct voting was permitted.

Response to Question Four:

- Remove the comments in the footnote (p. 1) that offers an alternative way of analyzing the question relating to the possible increase in voter participation as a result of provisional voting because the margin of error in the Census survey does not support a conclusion at this level of significance.
- Address the alternative explanation for why old states may enfranchise more voters than new states (i.e. Kropf 's Failsafe option).
- Include a statistical summary of the relationship between the length of time a state has had PV and the rate at which votes are counted.

Response to Question Five:

- Is it possible to draw any conclusions about the local differences within and among states broken down by county (presumably 20 states worth)?

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- Clarify what is meant by “design” and say how many states have/had provisional ballots that are designed differently and look different. Why is design important?
- Page 17 indicates that states with statewide voter databases end up validating fewer PVs. This is important & should be addressed in more detail.

Response to Question Six:

- On the usefulness of instructions, 98% said the instructions were useful. Make it clear that this represents 98% of the officials who got instruction.
- Is the passive voice the best means to communicate this information (for ex. "Second, objectively how well did the process appear to be managed?")

Response to State Narratives:

- When in doubt about whether we have data to support a sentence it is important to be careful about the language we use (say ‘doing XYZ would have revealed’ as opposed to ‘most of what we know about XYZ revealed’ ...)
- Clarify for the readers what is meant by "provisional vote/total vote". Does that mean provisional votes cast? Counted? Make it clear right at the beginning of every document?
- Footnote states that do not list poll sites or tell people where to vote with the fact that many cities/counties do have a poll finder.

Election Official Survey

- Clarify how we determined who to include in the sample and how we developed the questions in the survey (was a focus group an initial step?) Why were 3,800 election officials deemed eligible to participate (out of how many? 5,000 or so?)
- Clarify old and new states on pg. 2 in National Survey. Comment on how to assess fraud in provisional voting? What is the relationship between PV and turnout?
- Explore more issues about citizenship (18% non-citizen voting in CA)?
- Appendix A says survey was random, but it’s not. How was the data weighted for small, medium and large counties, and for other issues? Clarify this in the report.

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- Why doesn't the total of new and old states equal 50 (25 and 18) and why does the National Survey of Election Officials have different numbers? Is FL an 'old' state?
- Are the New England states underrepresented in the survey? If so, why?
- Report should offer more information about the response rate.

. Alternatives Document

- The importance of clarity in state processes for both administrators and voters needs to be better articulated.
(Better training of poll workers, clarity whether failure to check boxes disqualifies voters, access to better info. at polling locations)
- Cautions the use of definitive statements (such as A-3, perhaps say "This raises the question of...").
- Have other EAC Guidelines been tested in court yet?
- On page 3: the 'tracking number' in # 6 is not feasible. Also, "the information" in # 12 should be changed to "the website and 800 numbers" for clarification.
- Page 6, there were disagreements about # 1 and # 2 of options in Sec. F regarding the installation of a separate body to rule on PV for the integrity process; a motion was made to get rid of them.
- Page 6, Sec. E option # 1 should be eliminated or clarified
- Add to Sec. F a '# 5' requiring states to provide detailed public info. on PV



"Hans.von.Spakovsky@usdoj.
gov"
<Hans.von.Spakovsky@usdoj.
gov>

10/18/2005 03:45 PM

To "gmhillman@eac.gov" <gmhillman@eac.gov>,
"rmartinez@eac.gov" <rmartinez@eac.gov>,
"pdegregorio@eac.gov" <pdegregorio@eac.gov>,
cc "christophert@michigan.gov"
<christophert@michigan.gov>

bcc

Subject Research Grants

History:

✉ This message has been replied to and forwarded.

Dear Commissioners:

On August 18 I sent you an email raising serious concerns over the awarding of a contract to the Moritz College of Law given its clearly demonstrated pre-existing opinions about provisional balloting and voter identification. Unfortunately, nothing was apparently done about this situation.

I have just learned that a similar situation has occurred. I understand that another research grant has been awarded to Tova Wang for research into "voter fraud and voter intimidation." Ms. Wang has an even more pronounced partisan and one-sided view of these issues than was present in the situation involving Moritz College. She has many posted opinions available on the Internet that make it clear that she will not be able to conduct research in an objective fashion on these issues. Just a few examples illustrate this:

"It is truly shocking how, given all the problems in the voting system and continued disenfranchisement, the terms of the debate have shifted to that of so-called 'ballot integrity.' It is reminiscent of how conservatives have misappropriated the concept of patriotism and the American flag, and used the power of language and messaging to distort the discussion, by using terms such as 'partial birth abortion' or death tax.'"

"This stands in stark contrast to the entire tenor of the Carter-Baker report, which presumes that fraud committed by voters is the biggest problem confronting our election system. There is simply no strong evidence of this, and some of the remedies proposed will take us backwards in the fight to increase voter participation."

"...voters are individually disenfranchised by continued, often race based, voter intimidation and deceptive practices..."

Carter-Baker Report: Some Bad Fixes for the Wrong Problem, 9/19/2005

"The data is also mounting that identification requirements have disproportionately disenfranchising impacts on certain communities...Given all this piling on of negative evidence, both in terms of the efficacy of ID requirements in fulfilling the goal their advocate's claim and their impact on voting rights, it is somewhat mind boggling that so many state officials, as well as other groups working on this issue, are still vigorously pushing for greater expansion of what seems to be a rather useless yet dangerous tool. Shouldn't the burden of proof now shift to the advocates of more voter ID to demonstrate the value of their cause?"

Voter ID and Fraud: Prove It, 7/28/2005

There are numerous more examples of her partisan opinions and attacks and demonstrably false claims against Republicans and election officials in general, such as her baseless charge in another article that

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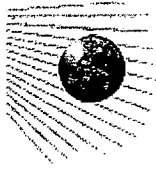
"partisan election officials and party leaders usurped the process and manipulated the new federal voting law in ways that disenfranchised voters." Election 2004: A Report Card, 1/1/2005. The idea that she will write an objective report on issues that she has already expressed such strong opinions on ("there is no evidence that such election fraud is a serious problem") is hard to accept. I find it surprising that the EAC would award her a research grant or expect that election officials around the country would accept as valid a report written by an individual who asserts that "[a]t every step of the way, election officials in key states threw up unnecessary barriers to voting." Id. This gratuitous remark is an insult to the many hard-working election officials that we all know through our work who did everything they could during the last election to improve the election process and in large part succeeded.

Whatever procedures the EAC has set up to screen individuals and entities applying for research grants is obviously not working. I have no doubt that I could today, based on reading Ms. Wang's prior opinions, predict exactly what her report will conclude on the issues of voter fraud and voter intimidation. This situation needs to be corrected so that research is not being conducted by partisan individuals with preset opinions and views on issues. As with my prior email, I strongly recommend that the EAC reconsider the awarding of this contract.

Hans A. von Spakovsky
Counsel to the Assistant Attorney General
Civil Rights Division - Room 5539
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, D.C. 20530

Telephone (202) 305-9750
Facsimile (202) 307-2839

015101



Paul DeGregorio /EAC/GOV
10/18/2005 04:56 PM

To Juliet Thompson, Thomas R. Wilkey (EAC)
cc
bcc
Subject Fw: Research Grants

I am not sure you received this e-mail from Hans (it wasn't clear on the to: list).

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
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1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

— Forwarded by Paul DeGregorio/EAC/GOV on 10/18/2005 04:56 PM —



"Hans.von.Spakovsky@usdoj
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<Hans.von.Spakovsky@usdoj
.gov>
10/18/2005 03:45 PM

To "gmhillman@eac.gov" <gmhillman@eac.gov>,
"rmartinez@eac.gov" <rmartinez@eac.gov>,
"pdegregorio@eac.gov" <pdegregorio@eac.gov>,
"eac.gov" <jthompson@eac.gov/twilke>,
"ddavison@eac.gov" <ddavison@eac.gov>
cc "christophert@michigan.gov"
<christophert@michigan.gov>
<drewis@electioncenter.org>,
[REDACTED]

Subject Research Grants

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Hans A. von Spakovsky
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015103

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015104

Juliet E. Thompson/EAC/GOV
10/18/2005 05:02 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Job Serebrov

Voter Fraud experience

Worked for Mike Hucaby (sp??) in his Lieutenant Gov's race as counsel for ballot fraud protection

Formed and worked for Arkansans for Fair Elections (non-profit -- unofficial effort of the Rep. party) working on voter fraud issues (approximately 8 years). That included organizing a state ballot protection campaign, a video and written materials protection plan, and working on a variety of fraud issues (ballot stuffing, voting system fraud, counting issues), and handling legal issues.

Appointed by Asa Hutchinson to be counsel for ballot issues.

Federal election attorney for Fay (sp) Bozeman in the failed campaign.

Juliet E. Thompson
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

015105



Paul DeGregorio /EAC/GOV
10/18/2005 05:17 PM

To "Hans.von.Spakovsky@usdoj.gov"
<Hans.von.Spakovsky@usdoj.gov>@GSAEXTERNAL
cc
bcc Juliet E. Thompson/EAC/GOV
Subject Re: Research Grants

Hans,

I wish you would have shown us the decency to have spoken to someone at the EAC before you sent this e-mail. Had you done so, you might have discovered that Ms. Wang was paired with Job Serebrov, a conservative attorney who, like you, has served on a local election board (Washington, Co, AK -Fayetteville). He has also worked on voting issues and election law in his practice, including voter fraud. He was counsel to the Arkansas GOP on ballot integrity issues and was the ballot protection specialist for Mike Huckabee in his campaign for Lt. Governor. In addition, Job formed and ran "Arkansans for Fair Elections", a non-partisan group that looked to investigate and prevent voter fraud issues. He headed that group for 8 years. Job served the Republican Party of Arkansas as the Chairman of the Committee for the Revision of the State Constitution.

Thor Hearne called me last week to indicate that Job had called him to be on the working group that Job and Ms. Wang are putting together to look at the voter fraud/voter intimidation issues.

Job was recommended to the EAC for this work by Julie Thompson. His references included two US 8th Circuit judges appointed by GOP presidents: Morris Arnold and Lavenski Smith.

You may recall that the Advisory Board made it clear to the EAC that they thought the Voter Fraud/Voter Intimidation issues should be studied together. That's why Ms. Wang has been paired with Mr. Serebrov to do this study.

Julie tells me that she had a wide-ranging discussion with you last week but you never brought this issue up. It's too bad, as it may have prevented you from sending an e-mail to so many people that contains only half the story.

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

"Hans.von.Spakovsky@usdoj.gov" <Hans.von.Spakovsky@usdoj.gov>



"Hans.von.Spakovsky@usdoj.gov"
<Hans.von.Spakovsky@usdoj.gov>
j.gov>
10/18/2005 03:45 PM

To "gmhillman@eac.gov" <gmhillman@eac.gov>,
"rmartinez@eac.gov" <rmartinez@eac.gov>,
"pdegregorio@eac.gov" <pdegregorio@eac.gov>,
"eac.gov" <jthompson@eac.gov/twilke>,
"ddavison@eac.gov" <ddavison@eac.gov>
cc "christophert@michigan.gov"

015106



<christophert@michigan.gov>

lewis@electioncentering

<alewis@electioncentering.org>

klinerjr@mindspring.com

Subject Research Grants

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"...voters are individually disenfranchised by continued, often race based, voter intimidation and deceptive practices..."

Carter-Baker Report: Some Bad Fixes for the Wrong Problem, 9/19/2005

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Voter ID and Fraud: Prove It, 7/28/2005

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015107

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Counsel to the Assistant Attorney General
Civil Rights Division - Room 5539
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, D.C. 20530

Telephone (202) 305-9750
Facsimile (202) 307-2839

015108



"Hans.von.Spakovsky@usdoj.
gov"
<Hans.von.Spakovsky@usdoj.
gov>

10/19/2005 09:49 AM

To "pdegregorio@eac.gov" <pdegregorio@eac.gov>

cc

bcc

Subject RE: Research Grants

History:  This message has been forwarded

perhaps if the Board of Advisors were kept better informed, I would not have been put into this position.

-----Original Message-----

From: pdegregorio@eac.gov [mailto:pdegregorio@eac.gov]
Sent: Tuesday, October 18, 2005 5:18 PM
To: von Spakovsky, Hans (CRT)
Subject: Re: Research Grants
Importance: High

Hans,

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Julie tells me that she had a wide-ranging discussion with you last week but you never brought this issue up. It's too bad, as it may have prevented you from sending an e-mail to so many people that contains only half the story.

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Vice Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100

015109

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<ddavison@eac.gov>

cc

"'christophert@michigan.gov'" <christophert@michigan.gov>,
" [REDACTED] ",
" [REDACTED] " <dlewis@electioncenter.org>,
" [REDACTED] "

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015110

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Voter ID and Fraud: Prove It, 7/28/2005

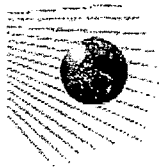
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U.S. Department of Justice
950 Pennsylvania Avenue
Washington, D.C. 20530

Telephone (202) 305-9750
Facsimile (202) 307-2839

015111



Paul DeGregorio/EAC/GOV

10/25/2005 05:07 PM

To Karen Lynn-Dyson

cc

bcc

Subject Fw: Research Grants

see e-mail traffic below

----- Forwarded by Paul DeGregorio/EAC/GOV on 10/25/2005 05:07 PM -----



"Hans.von.Spakovsky@usdoj

.gov"

<Hans.von.Spakovsky@usdoj.gov>

To "pdegregorio@eac.gov" <pdegregorio@eac.gov>

cc

10/19/2005 09:49 AM

Subject RE: Research Grants

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Sent: Tuesday, October 18, 2005 5:18 PM

To: von Spakovsky, Hans (CRT)

Subject: Re: Research Grants

Importance: High

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015112

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cc
"christophert@michigan.gov" <christophert@michigan.gov>,
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"tisthree@" <tisthree@>

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015113

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Counsel to the Assistant Attorney General


015114

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U.S. Department of Justice
950 Pennsylvania Avenue
Washington, D.C. 20530

Telephone (202) 305-9750
Facsimile (202) 307-2839

015115

Karen Lynn-Dyson/EAC/GOV
10/25/2005 05:36 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: Research Grants 

So, did he "retract" his statement to his colleagues on the Board of Advisors, or have they, at least, been informed that Tova has been teamed with Job?

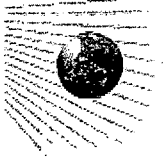
Also- does Hans know how to say " mea culpa"
:-)

Thanks for passing this on.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Paul DeGregorio/EAC/GOV



Paul DeGregorio /EAC/GOV
10/25/2005 05:07 PM

To Karen Lynn-Dyson/EAC/GOV
cc
Subject Fw: Research Grants

see e-mail traffic below

----- Forwarded by Paul DeGregorio/EAC/GOV on 10/25/2005 05:07 PM -----



"Hans.von.Spakovsky@usdoj
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<Hans.von.Spakovsky@usdoj.gov>
10/19/2005 09:49 AM

To "pdegregorio@eac.gov" <pdegregorio@eac.gov>
cc
Subject RE: Research Grants

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Subject: Re: Research Grants
Importance: High

015116

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015117

CC

"'christophert@michigan.gov'" <christophert@michigan.gov>,
" [REDACTED]

"'dlewis@electioncenter.org'" <dlewis@electioncenter.org>,
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015118

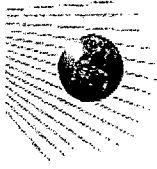
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Washington, D.C. 20530

Telephone (202) 305-9750
Facsimile (202) 307-2839

015119



Paul DeGregorio /EAC/GOV

11/09/2005 11:28 AM

To Gracia Hillman, Donetta Davidson (EAC), Raymundo
Martinez, Juliet Thompson, Thomas R. Wilkey (EAC)
cc Karen Lynn-Dyson/EAC/GOV

bcc

Subject Call from Paul Vinovich

I took a telephone call this morning from Paul Vinovich. He had attempted to reach Gracia, but since she was not here, he asked Sheila if I was in the office so he spoke to me.

Paul was very upset with comments that Tova Wang had made at yesterday's AEI's meeting in which she basically indicated that voter fraud did not exist in the USA. He asked how a person who believes that voter fraud does not exist--or not seem at least willing to listen to both sides--can be hired by the EAC to do a study on voter fraud/voter intimidation. I explained to Paul (as I have now had to explain to many others) that Tova was "balanced" on the study with Job Severbrov. He did not know Job but was well-aware of Tova's positions and was concerned that her public comments indicate that she will not be fair in looking at this issue. I explained to Paul that we were monitoring the work of our consultants on this study and no report would be issued publicly without the support of at least three commissioners. I sent him some background information on Job. I think this study will need close monitoring.

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
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pdegregorio@eac.gov
www.eac.gov

015120



Gracia Hillman/EAC/GOV

11/09/2005 12:40 PM

To Paul DeGregorio/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV, Raymundo Martinez/EAC/GOV, Juliet E. Thompson/EAC/GOV, Thomas R. Wilkey/EAC/GOV
cc Karen Lynn-Dyson/EAC/GOV

bcc

Subject Re: Call from Paul Vinovich

What Paul V said is NOT at all an accurate statement of what Tova said. I was there. This is very dissappointing to read. I may call Mr. V myself.

I watched and heard what was said and by whom. I will be glad to brief you tomorrow morning.

Sent from my BlackBerry Wireless Handheld
Paul DeGregorio

From: Paul DeGregorio
Sent: 11/09/2005 11:28 AM
To: Gracia Hillman; Donetta Davidson; Raymundo Martinez; Juliet Thompson; Thomas Wilkey
Cc: Karen Lynn-Dyson
Subject: Call from Paul Vinovich

I took a telephone call this morning from Paul Vinovich. He had attempted to reach Gracia, but since she was not here, he asked Sheila if I was in the office so he spoke to me.

Paul was very upset with comments that Tova Wang had made at yesterday's AEI's meeting in which she basically indicated that voter fraud did not exist in the USA. He asked how a person who believes that voter fraud does not exist--or not seem at least willing to listen to both sides--can be hired by the EAC to do a study on voter fraud/voter intimidation. I explained to Paul (as I have now had to explain to many others) that Tova was "balanced" on the study with Job Severbrov. He did not know Job but was well-aware of Tova's positions and was concerned that her public comments indicate that she will not be fair in looking at this issue. I explained to Paul that we were monitoring the work of our consultants on this study and no report would be issued publicly without the support of at least three commissioners. I sent him some background information on Job. I think this study will need close monitoring.

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
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Washington, DC 20005
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202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

015121

Karen Lynn-Dyson/EAC/GOV
05/16/2006 04:50 PM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC,
Donetta L. Davidson/EAC/GOV@EAC, twilkey@eac.gov
cc Amie J. Sherrill/EAC/GOV@EAC, Sheila A.
Banks/EAC/GOV@EAC, Elieen L. Collver/EAC/GOV@EAC,
Adam Ambrogi/EAC/GOV@EAC, Bert A.
bcc
Subject Receipt of Eagleton Voter Identification paper by tomorrow at
9:00 AM

Commissioners-

I just received a call from Tom O'Neill, Project Manager for the Eagleton/Moritz contract, indicating that the peer review team has not completed their final review of the Voter Identification paper. They are scheduled to have a conference call at 9:00 PM tonight to go over the final review.

I am told I will receive the final Voter Id paper by 9:00 AM, tomorrow morning .

Regards-

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

015122



**U.S. ELECTION ASSISTANCE COMMISSION
STANDARDS BOARD**

RESOLUTION 2006-01

WHEREAS, the U.S. Election Assistance Commission is conducting studies and research on a wide variety of subjects related to elections.

RESOLVED that the Standards Board recommends—

- The EAC carefully review each study and recommendation of researchers to ensure that findings are based on facts that are clearly defended by quantitative data, rather than suspicions or assumptions;
- The EAC require researchers to study and report on the practicality and expense of implementing each recommendation;
- Election Day survey questions be considered and completed and noticed to states no later than two years before the election in which the data is to be collected.

Margaret Sims/EAC/GOV
04/20/2007 09:00 AM

To Curtis Crider/EAC/GOV@EAC
cc Karen Lynn-Dyson/EAC/GOV@EAC
bcc
Subject Clarification of Previous Statement re Vote Fraud Project
Audit

Curtis:

I was given a copy of the original draft Statement of Work and asked for comments. You will see my response (comments and suggested changes) among the first archived messages on the subject.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
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Washington, DC 20005
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email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/20/2007 08:51 AM -----

Margaret Sims/EAC/GOV
04/19/2007 02:50 PM

To Curtis Crider/EAC/GOV@EAC
cc Karen Lynn-Dyson/EAC/GOV@EAC
Subject Re: Vote Fraud Project Audit

F only

Curtis:

I did not draft the Statement of Work or original contracts for this project. I did work with the legal department on the contents of the second set of contracts. The only role I had in selecting the consultants was pretty peripheral. Karen asked me to sit in on a teleconference interview with Job Serebrov to provide her feedback on whether or not I thought he could handle the job.

Karen began as the COR and Project Director but, very early on, the assignment was transferred to me. Virtually all the oversight/management of the project was on my watch.

I'm happy to hear that you are setting up a means for me to submit the materials electronically. For the archived emails, we may have to put the info on disk and give it to you that way.


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Curtis Crider/EAC/GOV

Curtis Crider/EAC/GOV

015124

04/19/2007 12:57 PM

To Margaret Sims/EAC/GOV@EAC
cc
Subject audit 

We are just getting started - but we will need copies of all your e-mails, correspondence and notes associated with the projects. We are in the process of setting up an e-mail account so that you can e-mail documents vs printing. As soon as the account is set up I will let you know.

What was your involvement in drafting the contract, vendor selection, oversight/monitoring of the projects

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

Important: This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV

04/19/2007 10:55 AM

To Curtis Crider/EAC/GOV@EAC
cc twilkey@eac.gov
Subject Fw: Rep. Serrano

I haven't heard from you regarding this audit , but I know you that someone from your shop will need to talk with me. Can you give me an idea of when you need me to be available?


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----- Forwarded by Margaret Sims/EAC/GOV on 04/19/2007 10:51 AM -----

Gracia Hillman/EAC/GOV

04/19/2007 10:37 AM



To Jeannie Layson/EAC/GOV@EAC
cc Donetta L. Davidson/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC
Subject Re: Rep. Serrano 

015125



I hope the IG will be able to get to the bottom of this -- and REAL soon -- during his investigation!!

-----Jeannie Layson/EAC/GOV wrote: -----

To: Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC
From: Jeannie Layson/EAC/GOV
Date: 04/19/2007 10:11AM
cc: Juliet E. Hodgkins/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
Subject: Rep. Serrano

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The Fraudulence of Voter Fraud

The Bush administration purged U.S. attorneys for failing to prosecute crimes that didn't occur

By Joel Bleifuss

April 18, 2007

On April 6, 2006, in Washington, D.C., Karl Rove gave a speech to the Republican National Lawyers Association and issued this dire warning:

We are, in some parts of the country, I'm afraid to say, beginning to look like we have elections like those run in countries where the guys in charge are, you know, colonels in mirrored sunglasses. I mean, it's a real problem, and I appreciate all that you're doing in those hot spots around the country to ensure that the ballot--the integrity of the ballot--is protected, because it's important to our democracy.

When Rove talks about protecting "ballot integrity," that is shorthand for disenfranchising Democratic Party voters. Over the last several years, the Justice Department, with the help of White House operatives, has sought to boost GOP electoral fortunes by orchestrating a national campaign against voter fraud. But the administration overreached on Dec. 7, when President George W. Bush fired eight U.S. attorneys, a political scandal that some say could become this president's Watergate.

When Republicans talk about *voter* fraud they are referring to illegal voting by individuals, as opposed to *vote* fraud--systematic attempts to steal an election by an organized group of partisans. This emphasis on voter fraud has convinced eight states to pass laws requiring voters to present

015126

official photo identification in order to cast a ballot--laws that studies have shown suppress Democratic turnout among voters who are poor, black, Latino, Asian-American or disabled. Understanding that one way to win closely contested elections is to keep Democratic voters away from the polls, the Republican Party has tried to stoke public fears of voter fraud. On Feb. 15, 2005, the U.S. Senate Republican Policy Committee issued a report, "Putting an End to Voter Fraud," which said, "Voter fraud continues to plague our nation's federal elections, diluting and canceling out the lawful votes of the vast majority of Americans." To remedy the situation, the Senate Republicans advised Congress to "require that voters at the polls show photo identification."

But voting experts maintain that voter fraud is not a national problem. In March, Lorraine C. Minnite, a professor of political science at Columbia University, released "The Politics of Voter Fraud," a report she prepared for Project Vote, an advocacy group based in Arkansas. She writes: The claim that voter fraud threatens the integrity of American elections is itself a fraud. It is being used to persuade the public that deceitful and criminal voters are manipulating the electoral system. ... The exaggerated fear of voter fraud has a long history of scuttling efforts to make voting easier and more inclusive, especially for marginalized groups in American society. With renewed partisan vigor, fantasies of fraud are being spun again to undo some of the progress America has made lowering barriers to vote.

This is borne out by a study from the Eagleton Institute of Politics at Rutgers University, which found that in the 2004 election, voters in states that required documentation of identity were 2.7 percent less likely to vote than voters in states where documentation was not required. Specifically, the study, commissioned by the U.S. Election Assistance Commission, found that Latinos were 10 percent less likely to vote, Asian-Americans 8.5 percent less likely to vote and blacks 5.7 percent less likely to vote.

What's more, despite GOP claims to the contrary, voter fraud is a very rare occurrence. In 2002 the Justice Department established the Ballot Access and Voting Integrity Initiative to ferret out fraudulent voters. On Oct. 4, 2005, Attorney General Alberto Gonzales, with great fanfare, proclaimed, "We've made enforcement of election fraud and corrupting offenses a top priority." Yet according to an April 12 *New York Times* article, only 120 people have been charged with the crime over the past five years, leading to 86 convictions. Furthermore, the *Times* noted, federal attorneys say that most of the transgressions have been mistakes by immigrants and felons who simply misunderstood eligibility requirements.

The extent of voter fraud is further complicated by the fact that earlier this year the Election Assistance Commission changed the conclusions of a report it had commissioned. The original report by outside election experts concluded, "There is widespread but not unanimous agreement that there is little polling place fraud." The commission deleted that sentence and replaced it with, "There is a great deal of debate on the pervasiveness of fraud."

Rep. José Serrano (D.-N.Y.), who chairs the House Appropriations subcommittee that oversees the commission, is disturbed by this apparently politically motivated substitution. He told *In These Times* :

This possibly could be another Watergate. We have to ask the questions, "Why was this report doctored, and how does this play into the larger picture of voter suppression and intimidation?" By directing public attention to voter fraud you divert attention from the fact that Americans in certain communities are not able to cast their votes properly and that their votes are not being counted. Is this something that this small new agency thought of by themselves or did they get marching

orders from somewhere else, perhaps as far up as the White House?

Firing prosecutors

It appears that, under Rove's direction the White House has been planning to use U.S. attorneys to fan national fears of voter fraud. In his speech to the GOP lawyers, Rove listed 11 states that would play a pivotal role in the 2008 elections. Since 2005, Bush has appointed new U.S. attorneys in nine of those states: Florida, Colorado, Wisconsin, Minnesota, Iowa, Michigan, Nevada, Arkansas and New Mexico.

What's more, the firings of U.S. attorneys in New Mexico, Arkansas and Washington appear directly related to this Republican plan to exploit the issue of voter fraud and suppress Democratic turnout.

In Arkansas, Bush fired a sitting U.S. attorney in order to appoint Rove protégé Tim Griffin. (See "The Talented Mr. Griffin" by Greg Palast on page 31.)

In Washington, fired U.S. Attorney John McKay had refused to prosecute alleged voter fraud in the 2004 Washington governor's race, in which Democrat Chris Gregoire beat Republican Dino Rossi by 129 votes.

On March 6, McKay testified before the Senate that after the election Republicans pressured him to open an investigation. He said his office had examined the allegations of voter fraud and decided there was not enough evidence to pursue a case.

"Had anyone at the Justice Department or the White House ordered me to pursue any matter criminally in the 2004 governor's election, I would have resigned," McKay told the *Seattle Times*. "There was no evidence, and I am not going to drag innocent people in front of a grand jury."

In New Mexico, David C. Iglesias was equally suspect in the eyes of the GOP. Recall that in 2000, Gore beat Bush by 377 votes in New Mexico. Consequently, in 2004, Democrat-affiliated groups initiated voter registration campaigns in New Mexico. As a result, two boys, age 13 and 15, received voter cards in the mail. Iglesias responded by setting up a bipartisan task force to investigate. This didn't satisfy attorney Mickey D. Barnett, who represented the 2004 Bush-Cheney campaign in New Mexico. He told Iglesias he should bring federal charges against a canvasser who forged their signatures, which he refused to do.

In a *New York Times* op-ed, Iglesias wrote:

What the critics, who don't have any experience as prosecutors, have asserted is reprehensible--namely that I should have proceeded without having proof beyond a reasonable doubt. The public has a right to believe that prosecution decisions are made on legal, not political grounds.

Manufacturing voter fraud

The issue of fraudulent voters undermining American democracy did not spontaneously erupt. To promote national concern about voter fraud, in March 2005 GOP operatives with ties to the White House established a 501(c)4 organization called the American Center for Voting Rights Legislative Fund (ACVR). The group went public by establishing a Web site, ac4vr.com. (The site has since been taken down for unknown reasons.)

According to its 990 tax forms, ACVR is based in Midlothian, Va., and its executive director is Robin DeJarnette, who is also the founder and executive director of the Virginia Conservative Action PAC. However, according to the registration form for its Internet domain name, the group's address is a mailbox at a UPS Store in Dallas. The chairman of ACVR is Brian Lunde, a former Democratic National Committee official from Texas, who in 2004 was head of Democrats for Bush.

ACVR specializes in issuing studies that purport to document a host of voter fraud cases, like the report titled: "Democrat operatives far more involved in voter intimidation and suppression in 2004 than Republicans."

On March 21, 2005, four days after ACVR went public, Rep. Bob Ney (R-Ohio), then chair of the Committee on House Administration, opened hearings on 2004 election irregularities. One person who testified was ACVR National Counsel Mark "Thor" Hearne II, who described himself as "a longtime advocate of voter rights and an attorney experienced in election law." In the aftermath of the 2000 presidential campaign, Hearne was dispatched to Florida as a Republican observer in Broward County's manual recount, and in 2004 he worked as the national general counsel for Bush/Cheney '04 Inc.

In his testimony, Hearne described ACVR as "committed to defending the rights of voters and working to increase public confidence in the fairness of the outcome of elections." And he submitted to the committee a copy of the ACVR's "Ohio Election Report," of which he was the lead author. That report read in part:

This [Democratic] voter registration effort was not limited to registration of legal voters but, criminal investigations and news reports suggest, that this voter registration effort also involved the registration of thousands of fictional voters such as the now infamous Jive F. Turkey, Sr., Dick Tracy and Mary Poppins. Those individuals registering these fictional voters were reportedly paid not just money to do but were, in at least one instance, paid in crack cocaine.

And in testimony on Dec. 7, 2006, the same day the prosecutors were fired, Hearne told the Election Assistance Commission: "Recent press reports suggest that voter registration fraud remains a significant issue in the recent mid-term elections."

The press contact for ACVR is Jim Dyke, who was the communications director of the Republican National Committee during the 2004 election. In the fall of 2005 he was working in the White House trying to get Harriet Miers on the Supreme Court, before moving on to work in Vice President Dick Cheney's office. Brad Friedman of BradBlog.com reported that according to internet records, Dyke registered the ACVR Internet domain name, ac4vr.com, in December 2004. Those records have since disappeared from public view. (The source of ACVR's funding is also mysterious. According to the *Pittsburgh Tribune-Review*, "When asked to name any contributors to his nonprofit, Hearne claimed he did not know but said Lunde did. When Lunde was asked, he claimed he did not know but said Hearne did.")

Dyke is a good friend of his fellow Arkansan Tim Griffin, the new U.S. attorney in Arkansas. In 2004, both worked at the Republican National Committee helping Bush get re-elected. Dyke has been a vocal defender of Griffin's appointment as U.S. Attorney. "He has a real passion for the law," Dyke told the *Arkansas Democrat-Gazette*.

Rounding out the GOP operatives is Pat Rogers, who sits on the board of ACVR. An attorney for the Republican Party in New Mexico, he has been a vocal critic of fired U.S. Attorney Iglesias. According to the *Albuquerque Tribune*, Rogers is on the short list to replace Iglesias.

Rove's role

Minnite, who did the study on voter fraud, has read through the reports prepared by ACVR and presented by Hearne at various official hearings. She noticed that the claims follow a predictable script. "It all starts to look the same," she says. "There is a pattern in the way the documents that claim to show voter fraud are put together. It is usually a compilation of news reports on allegations. There is no follow up, no research done, no analysis."

"As I delved into it, I was faced with the question: 'Why do people think there is a lot of fraud

when there isn't any real evidence?" I think people are being manipulated by politics, which takes the form of these reports that are dumped on the public. It is as if you get a big enough pile maybe you will convince people that the volume of fraud is quite large and that we have a serious problem."

Wisconsin provides a case in point. At a March 13 press conference, White House Counsel Dan Bartlett identified Wisconsin as one of the states from which the White House had "received complaints about U.S. attorneys."

In 2005, U.S. Attorney Steve Biskup, who was appointed by Bush, investigated these allegations of voter fraud and reported that he found no evidence on which to press charges.

It turns out that early in 2005, Republican officials in Wisconsin prepared a report titled "Fraud in Wisconsin 2004: A Timeline/Summary." The document, which was found in White House and Justice Department records released by the House Judiciary Committee, was written by Chris Lato, the former communications director for the state Republican Party, on orders from Rick Wiley, the party's executive director. The 30-page report, which covers Aug. 31, 2004 to April 1, 2005, contains 65 entries detailing voter fraud. The final example is titled: "RPW [Republican Party of Wisconsin] News Release: Evidence of Election Fraud Piles Up."

The information contained in this Wisconsin compilation, made its way into a 78-page report released on July 21, 2005, by ACVR: "Vote Fraud, Intimidation & Suppression in the 2004 Presidential Election." In the introduction, the ACVR's Hearne and Lunde wrote that the report "documents hundreds of incidents and allegations from around the country. ... [T]housands of Americans were disenfranchised by illegal votes cast on Election Day 2004 ... [P]aid Democrat operatives were far more involved in voter intimidation and suppression activities than were their Republican counterparts. ... [R]equiring government-issued photo ID at the polls ... will help assure ... that no American is disenfranchised by illegal votes."

And who was behind this trail of misinformation? On April 7, Daniel Bice, a columnist for the *Milwaukee Journal Sentinel*, reported that a source familiar with the document told him, "The report was prepared for Karl Rove. Rick [Wiley] wanted it so he could give it to Karl Rove."

On April 6, 2006, in Washington, at the aforementioned speech to Republican Party attorneys, Rove began with a joke: "I ran into [ACVR's] Thor Hearne as I was coming in. He was leaving; he was smart, and he was leaving to go out and enjoy the day." Rove then told the assembled party lawyers, "We have, as you know, an enormous and growing problem with elections in certain parts of America today."

Rove should know. He helped grow the problem.

Jeannie Layson
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Phone: 202-566-3100
www.eac.gov

015130

Margaret Sims/EAC/GOV

04/19/2007 02:50 PM

To Curtis Crider/EAC/GOV@EAC

cc Karen Lynn-Dyson/EAC/GOV@EAC

bcc

Subject Re: Vote Fraud Project Audit 

Curtis:

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Curtis Crider/EAC/GOV

Curtis Crider/EAC/GOV

04/19/2007 12:57 PM

To Margaret Sims/EAC/GOV@EAC

cc

Subject audit 

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Margaret Sims/EAC/GOV

015131

Margaret Sims/EAC/GOV

04/19/2007 10:55 AM

To Curtis Crider/EAC/GOV@EAC

cc twilkey@eac.gov

Subject Fw: Rep. Serrano

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----- Forwarded by Margaret Sims/EAC/GOV on 04/19/2007 10:51 AM -----

Gracia Hillman/EAC/GOV

04/19/2007 10:37 AM

To Jeannie Layson/EAC/GOV@EAC

cc Donetta L. Davidson/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC,
Curtis Crider/EAC/GOV@EAC

Subject Re: Rep. Serrano

I hope the IG will be able to get to the bottom of this -- and REAL soon -- during his investigation!!

-----Jeannie Layson/EAC/GOV wrote: -----

To: Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC
From: Jeannie Layson/EAC/GOV
Date: 04/19/2007 10:11AM
cc: Juliet E. Hodgkins/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
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015132

The Fraudulence of Voter Fraud

The Bush administration purged U.S. attorneys for failing to prosecute crimes that didn't occur

By Joel Bleifuss

April 18, 2007

On April 6, 2006, in Washington, D.C., Karl Rove gave a speech to the Republican National Lawyers Association and issued this dire warning:

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This is borne out by a study from the Eagleton Institute of Politics at Rutgers University, which found that in the 2004 election, voters in states that required documentation of identity were 2.7

015133

percent less likely to vote than voters in states where documentation was not required. Specifically, the study, commissioned by the U.S. Election Assistance Commission, found that Latinos were 10 percent less likely to vote, Asian-Americans 8.5 percent less likely to vote and blacks 5.7 percent less likely to vote.

What's more, despite GOP claims to the contrary, voter fraud is a very rare occurrence. In 2002 the Justice Department established the Ballot Access and Voting Integrity Initiative to ferret out fraudulent voters. On Oct. 4, 2005, Attorney General Alberto Gonzales, with great fanfare, proclaimed, "We've made enforcement of election fraud and corrupting offenses a top priority." Yet according to an April 12 *New York Times* article, only 120 people have been charged with the crime over the past five years, leading to 86 convictions. Furthermore, the *Times* noted, federal attorneys say that most of the transgressions have been mistakes by immigrants and felons who simply misunderstood eligibility requirements.

The extent of voter fraud is further complicated by the fact that earlier this year the Election Assistance Commission changed the conclusions of a report it had commissioned. The original report by outside election experts concluded, "There is widespread but not unanimous agreement that there is little polling place fraud." The commission deleted that sentence and replaced it with, "There is a great deal of debate on the pervasiveness of fraud."

Rep. José Serrano (D.-N.Y.), who chairs the House Appropriations subcommittee that oversees the commission, is disturbed by this apparently politically motivated substitution. He told *In These Times* :

This possibly could be another Watergate. We have to ask the questions, "Why was this report doctored, and how does this play into the larger picture of voter suppression and intimidation?" By directing public attention to voter fraud you divert attention from the fact that Americans in certain communities are not able to cast their votes properly and that their votes are not being counted. Is this something that this small new agency thought of by themselves or did they get marching orders from somewhere else, perhaps as far up as the White House?

Firing prosecutors

It appears that, under Rove's direction the White House has been planning to use U.S. attorneys to fan national fears of voter fraud. In his speech to the GOP lawyers, Rove listed 11 states that would play a pivotal role in the 2008 elections. Since 2005, Bush has appointed new U.S. attorneys in nine of those states: Florida, Colorado, Wisconsin, Minnesota, Iowa, Michigan, Nevada, Arkansas and New Mexico.

What's more, the firings of U.S. attorneys in New Mexico, Arkansas and Washington appear directly related to this Republican plan to exploit the issue of voter fraud and suppress Democratic turnout.

In Arkansas, Bush fired a sitting U.S. attorney in order to appoint Rove protégé Tim Griffin. (See "The Talented Mr. Griffin" by Greg Palast on page 31.)

In Washington, fired U.S. Attorney John McKay had refused to prosecute alleged voter fraud in the 2004 Washington governor's race, in which Democrat Chris Gregoire beat Republican Dino Rossi by 129 votes.

On March 6, McKay testified before the Senate that after the election Republicans pressured him to open an investigation. He said his office had examined the allegations of voter fraud and decided there was not enough evidence to pursue a case.

"Had anyone at the Justice Department or the White House ordered me to pursue any matter criminally in the 2004 governor's election, I would have resigned," McKay told the *Seattle Times* .

"There was no evidence, and I am not going to drag innocent people in front of a grand jury."

In New Mexico, David C. Iglesias was equally suspect in the eyes of the GOP. Recall that in 2000, Gore beat Bush by 377 votes in New Mexico. Consequently, in 2004, Democrat-affiliated groups initiated voter registration campaigns in New Mexico. As a result, two boys, age 13 and 15, received voter cards in the mail. Iglesias responded by setting up a bipartisan task force to investigate. This didn't satisfy attorney Mickey D. Barnett, who represented the 2004 Bush-Cheney campaign in New Mexico. He told Iglesias he should bring federal charges against a canvasser who forged their signatures, which he refused to do.

In a *New York Times* op-ed, Iglesias wrote:

What the critics, who don't have any experience as prosecutors, have asserted is reprehensible--namely that I should have proceeded without having proof beyond a reasonable doubt. The public has a right to believe that prosecution decisions are made on legal, not political grounds.

Manufacturing voter fraud

The issue of fraudulent voters undermining American democracy did not spontaneously erupt. To promote national concern about voter fraud, in March 2005 GOP operatives with ties to the White House established a 501(c)4 organization called the American Center for Voting Rights Legislative Fund (ACVR). The group went public by establishing a Web site, ac4vr.com. (The site has since been taken down for unknown reasons.)

According to its 990 tax forms, ACVR is based in Midlothian, Va., and its executive director is Robin DeJarnette, who is also the founder and executive director of the Virginia Conservative Action PAC. However, according to the registration form for its Internet domain name, the group's address is a mailbox at a UPS Store in Dallas. The chairman of ACVR is Brian Lunde, a former Democratic National Committee official from Texas, who in 2004 was head of Democrats for Bush.

ACVR specializes in issuing studies that purport to document a host of voter fraud cases, like the report titled: "Democrat operatives far more involved in voter intimidation and suppression in 2004 than Republicans."

On March 21, 2005, four days after ACVR went public, Rep. Bob Ney (R-Ohio), then chair of the Committee on House Administration, opened hearings on 2004 election irregularities. One person who testified was ACVR National Counsel Mark "Thor" Hearne II, who described himself as "a longtime advocate of voter rights and an attorney experienced in election law." In the aftermath of the 2000 presidential campaign, Hearne was dispatched to Florida as a Republican observer in Broward County's manual recount, and in 2004 he worked as the national general counsel for Bush/Cheney '04 Inc.

In his testimony, Hearne described ACVR as "committed to defending the rights of voters and working to increase public confidence in the fairness of the outcome of elections." And he submitted to the committee a copy of the ACVR's "Ohio Election Report," of which he was the lead author. That report read in part:

This [Democratic] voter registration effort was not limited to registration of legal voters but, criminal investigations and news reports suggest, that this voter registration effort also involved the registration of thousands of fictional voters such as the now infamous Jive F. Turkey, Sr., Dick Tracy and Mary Poppins. Those individuals registering these fictional voters were reportedly paid not just money to do but were, in at least one instance, paid in crack cocaine.

And in testimony on Dec. 7, 2006, the same day the prosecutors were fired, Hearne told the

Election Assistance Commission: "Recent press reports suggest that voter registration fraud remains a significant issue in the recent mid-term elections."

The press contact for ACVR is Jim Dyke, who was the communications director of the Republican National Committee during the 2004 election. In the fall of 2005 he was working in the White House trying to get Harriet Miers on the Supreme Court, before moving on to work in Vice President Dick Cheney's office. Brad Friedman of BradBlog.com reported that according to internet records, Dyke registered the ACVR Internet domain name, ac4vr.com, in December 2004. Those records have since disappeared from public view. (The source of ACVR's funding is also mysterious. According to the *Pittsburgh Tribune-Review*, "When asked to name any contributors to his nonprofit, Hearne claimed he did not know but said Lunde did. When Lunde was asked, he claimed he did not know but said Hearne did.")

Dyke is a good friend of his fellow Arkansan Tim Griffin, the new U.S. attorney in Arkansas. In 2004, both worked at the Republican National Committee helping Bush get re-elected. Dyke has been a vocal defender of Griffin's appointment as U.S. Attorney. "He has a real passion for the law," Dyke told the *Arkansas Democrat-Gazette*.

Rounding out the GOP operatives is Pat Rogers, who sits on the board of ACVR. An attorney for the Republican Party in New Mexico, he has been a vocal critic of fired U.S. Attorney Iglesias. According to the *Albuquerque Tribune*, Rogers is on the short list to replace Iglesias.

Rove's role

Minnite, who did the study on voter fraud, has read through the reports prepared by ACVR and presented by Hearne at various official hearings. She noticed that the claims follow a predictable script. "It all starts to look the same," she says. "There is a pattern in the way the documents that claim to show voter fraud are put together. It is usually a compilation of news reports on allegations. There is no follow up, no research done, no analysis."

"As I delved into it, I was faced with the question: 'Why do people think there is a lot of fraud when there isn't any real evidence?' I think people are being manipulated by politics, which takes the form of these reports that are dumped on the public. It is as if you get a big enough pile maybe you will convince people that the volume of fraud is quite large and that we have a serious problem."

Wisconsin provides a case in point. At a March 13 press conference, White House Counsel Dan Bartlett identified Wisconsin as one of the states from which the White House had "received complaints about U.S. attorneys."

In 2005, U.S. Attorney Steve Biskup, who was appointed by Bush, investigated these allegations of voter fraud and reported that he found no evidence on which to press charges.

It turns out that early in 2005, Republican officials in Wisconsin prepared a report titled "Fraud in Wisconsin 2004: A Timeline/Summary." The document, which was found in White House and Justice Department records released by the House Judiciary Committee, was written by Chris Lato, the former communications director for the state Republican Party, on orders from Rick Wiley, the party's executive director. The 30-page report, which covers Aug. 31, 2004 to April 1, 2005, contains 65 entries detailing voter fraud. The final example is titled: "RPW [Republican Party of Wisconsin] News Release: Evidence of Election Fraud Piles Up."

The information contained in this Wisconsin compilation, made its way into a 78-page report released on July 21, 2005, by ACVR: "Vote Fraud, Intimidation & Suppression in the 2004 Presidential Election." In the introduction, the ACVR's Hearne and Lunde wrote that the report "documents hundreds of incidents and allegations from around the country. ... [T]housands of

Americans were disenfranchised by illegal votes cast on Election Day 2004 ... [P]aid Democrat operatives were far more involved in voter intimidation and suppression activities than were their Republican counterparts. ... [R]equiring government-issued photo ID at the polls ... will help assure ... that no American is disenfranchised by illegal votes."

And who was behind this trail of misinformation? On April 7, Daniel Bice, a columnist for the *Milwaukee Journal Sentinel*, reported that a source familiar with the document told him, "The report was prepared for Karl Rove. Rick [Wiley] wanted it so he could give it to Karl Rove."

On April 6, 2006, in Washington, at the aforementioned speech to Republican Party attorneys, Rove began with a joke: "I ran into [AVCR's] Thor Hearne as I was coming in. He was leaving; he was smart, and he was leaving to go out and enjoy the day." Rove then told the assembled party lawyers, "We have, as you know, an enormous and growing problem with elections in certain parts of America today."

Rove should know. He helped grow the problem.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

Obligated FPO5

ORDER FOR SUPPLIES AND SERVICES

IMPORTANT: See instructions in GSAR
553.370-300-1 for distribution

PAGE 1 OF 1 PAGES

1. DATE OF ORDER 11/08/05	2. ORDER NUMBER	3. CONTRACT NUMBER EAC 05-66	4. AC E4019697
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FOR GOVERNMENT USE ONLY	5. ACCOUNTING CLASSIFICATION				6. FINANCE DIVISION		
	FUND 8035	ORG CODE TZM91100	B/A CODE 10	O/C CODE 25	AC	SS	VENDOR NAME
	FUNC CODE 000	C/E CODE 516	PROJ./PROS. NO.	CC-A	MDL	FI	G/L DEBT
	W/ITEM	CC-B	PRT./CRFT		AI	LC	DISCOUNT

TO: CONTRACTOR (Name, address and zip code)

Tova Wang
201 West 74th Street, Apt. 11F
New York, NY 10023

Contact: Tova Wang (212) 362-5223

7. EMPLOYER'S IDENTIFICATION NUMBER 119701137		9B. CHECK, IF APPROPRIATE <input type="checkbox"/> WITHHOLD 20%	B. TYPE OF ORDER <input checked="" type="checkbox"/> A. PURCHASE Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated. <input type="checkbox"/> B. DELIVERY This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract C. MODIFICATION NO. AUTHORITY FOR ISSUING
10A. CLASSIFICATION <input type="checkbox"/> A. SMALL BUSINESS <input checked="" type="checkbox"/> B. OTHER THAN SMALL BUSINESS ISSUING OFFICE (Address, zip code, and telephone no.) Election Assistance Commission 25 New York Ave., N.W., Suite 1100 Washington, DC 20005		10B. TYPE OF BUSINESS ORGANIZATION <input type="checkbox"/> A. CORPORATION <input type="checkbox"/> B. PARTNER-SHIP <input type="checkbox"/> C. SOLE 13. SHIP TO (Consignee address, zip code and telephone no.) Same as block 11	
12. REMITTANCE ADDRESS (MANDATORY) Tova Wang 201 West 74th Street, Apt. 11F New York, NY 10023			

14. PLACE OF INSPECTION AND ACCEPTANCE AC, 1225 New York Ave., NW, #1100, Wash. DC 20005		15. REQUISITION OFFICE (Name, symbol and telephone no.) Election Assistance Commission	
16. F.O.B. POINT Destination	17. GOVERNMENT B/L NO.	18. DELIVERY F.O.B. POINT ON OR BEFORE 09/01/05	19. PAYMENT/DISCOUNT TERMS Net 30

20. SCHEDULE					
ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Request to provide consulting services to the EAC to assist in the development of a Voting Fraud and Voter Intimidation Project. See the attached statement work for a description of the specifics. LABOR COST: \$50,000.00 TRAVEL COST: \$ 5,000.00 TOTAL COST OF CONTRACT: \$55,000.00				

23. GROSS SHIP WT.		TOTAL FROM 300-A(s)	\$55,000.00
		GRAND TOTAL	55,000.00
25A. FOR INQUIRIES REGARDING PAYMENT CONTACT: Diana Scott		25B. TELEPHONE NO. 202-566-3100	
26A. NAME OF CONTRACTING/ORDERING OFFICER (Type) Gracia Hillman, Chair		26B. TELEPHONE NO. 202-566-3100	
26C. SIGNATURE 			

FEDERAL SERVICES ADMINISTRATION

1. PAYING OFFICE

GSA FORM 300 (REV 2-99) 3

PURCHASE ORDER TERMS AND CONDITIONS

552.229-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

a) Discounts for prompt payment will not be considered in the valuation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(4) . . . An invoice shall be prepared and submitted to the designated payment office specified in the contract. A proper invoice must include items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of defect within 7 days after receipt of the invoice at the designated payment office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

i) Name and address of the Contractor.

ii) Invoice date.

iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

v) Shipping and payment terms (e.g., shipment number and date of payment, prompt payment discount terms). Bill of lading number and date of shipment will be shown for shipments on Government bills of lading.

vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).

vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remit to" address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-208). Regulations and interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)

(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-6 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.246-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84).

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

015139

ACT NUMBER E4019697; EAC CONTRACT NUMBER 05-66

Consulting Services to Assist EAC in the Development of a Voting Fraud and Voter Intimidation Project

Background

Section 241 of HAVA lists a number of election administration topics on which the U.S. Election Assistance Commission may elect to do research. In particular, Section 241(b) (6) and (7) state the two topics of nationwide statistics and methods of identifying, deterring and investigating voting fraud in elections for Federal offices; and identifying, deterring and investigating methods of voter intimidation. The EAC Board of Advisors has recommended that the EAC make research on these topics a high priority.

The EAC seeks to obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation. The EAC needs this consultant to conduct a preliminary examination of these topics to determine if a larger research project might be warranted. If so, the consultant would also be tasked to define the scope of the project and prepare a Statement of Work for the EAC to use for a subsequent competitive procurement. To promote a balanced and non-partisan approach to this effort, EAC is contracting with two consultants, who will work jointly to perform the work described below.

Nature of the Appointment

The EAC enters into this contract pursuant to its authority to contract for consultants under 5 U.S.C. §3109 (See 42 U.S.C. §15324(b)). As such this contract is for personal services and creates a limited employment relationship. (See 5 C.F.R. §304). As a result of this unique relationship, and pursuant to this agreement, you are required to follow all Federal laws and regulations as they relate to the release of agency documents and information, travel and conduct. All research, information, documents and any other intellectual property, (including but not limited to policies, procedures, manuals, and other work created at the request or otherwise while laboring for the EAC) shall be owned exclusively by the EAC, including copyright. All such work product shall be turned over to the EAC upon completion of your appointment term or as directed by the EAC. The EAC shall have exclusive rights over this material. You may not release government information or documents without the express permission of the EAC.

Supervision and Management.

The EAC Project Manager for this effort is Margaret Sims, EAC Research Specialist. Ms. Sims will provide taskings, and supervise, review and approve all work and performance.

015140

Period of Appointment, Compensation and Travel.

The period of appointment under this contract is estimated at six months. The appointment shall constitute intermittent appointment (without a regularly scheduled tour of duty) per 5 C.F.R. §340.401(b). The consultant shall not incur overtime. The consultants shall not receive automatic adjustments of pay based upon 5 U.S.C. 5303. The consultants are not eligible for sick and annual leave, nor compensation for work performed on federal holidays. The Consultant is expected to work 450 hours during the estimated six month appointment period. These hours must be distributed evenly over the period so that the Consultant is working approximately, but no more than 20 hours per week. The consultant shall be paid at a rate of \$111 per hour. The dates of performance are flexible but shall be based upon the needs of the project and the EAC. The project at issue is sought to be completed within the sixth month period. The period of appointment shall continue until the project, outlined below, is completed.

Consultant's duty station shall be his/her home or place of business. The consultant has access to and shall supply common office equipment to include telecommunications, internet, a computer, office supplies, facsimile machine and common workplace software (including Microsoft Word and Excel). Other resources will be provided by the EAC as needed and at its discretion.

The Consultant is required to travel on a periodic, as needed basis, throughout the duration of their appointment. All travel must be pre-approved by the EAC per Federal Travel Regulations and EAC policy. The Consultant will be reimbursed, at the Federal government rates, for hotel and ground transportation costs, proper incidental expenses, and per diem while on official, pre-approved EAC travel.

Areas of Responsibility

1. Develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections.
2. Using the description developed above, perform background research, including both Federal and State administrative and case law review, and a summation of current activities of key government agencies, civic and advocacy organizations regarding these topics. Deliver a written summary of this research and all source documentation.
3. Work in consultation with other EAC staff and the Commissioners to identify a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The Working Group will be provided with the results of Tasks 1 and 2 as background information. The consultant will be responsible for developing a discussion agenda and convene the Working Group with the objective of identifying promising avenues for future research by EAC.

4. The consultant shall be responsible for creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future research resulting from this effort.
5. Should the EAC decide to pursue one or more of the recommendations made in the report noted above, the consultant will be responsible for defining the appropriate project scope(s) and preparing Statement(s) of Work sufficient for use in a competitive procurement.

Compensation Procedures

Compensation shall be made for work done by submitting invoices. Invoices shall be submitted on a monthly basis. These invoices shall state the number of labor hours that have been expended. Invoices shall be delivered to Ms. Margaret Sims for review and Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington DC 20005. Compensation for travel shall be submitted by travel voucher consistent with federal travel regulation and EAC requirements.

Termination

This consultant contract can be terminated without cause in advance of the current end date by two weeks' notice in writing by either of the parties.

Estimated Project Timetable.

Deliverable	Due Date
Project work plan	10 days after contract award
Progress reports	monthly
Description of voting fraud and voter intimidation	October 2005
Summary of background research and associated source documentation	January 2006
Convene working group	February 2006
Summary report describing findings and recommendations for future EAC research	March 2006
Statement(s) of Work for future research project(s)	TBD

015142



U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIR

November 8, 2005

Ms. Tova Wang
201 West 74th Street, Apt. 11F
New York, NY 10023

Dear Ms. Wang:

Enclosed is a signed personal services contract (EAC 05-66) in the amount for the provision of services to the U.S. Election Assistance Commission (EAC) in researching and developing a plan for a voter fraud and intimidation study. On or about September 1, 2005, an EAC employee communicated to you that EAC agreed to enter this personal services agreement with you. You began work based upon this notice of award. Despite the fact that the agreement was entered and communicated by an unauthorized person, EAC has reviewed the contract and concluded that ratification of this agreement is appropriate. EAC has ratified the agreement made with you on September 1, 2005. EAC has also received your first invoice for the period September 1 through September 30. That invoice will be reviewed and placed in line for payment.

To acknowledge receipt of this contract, please countersign and date below and return one copy of this letter to the attention of Nicole Mortellito.

We appreciate your work on these important efforts.

Sincerely,

Gracia Hillman
Chair

Tova Wang

015143

**Contains Privacy Act
Protected Information**

Obligated FY05

ORDER FOR SUPPLIES AND SERVICES

IMPORTANT: See instructions in GSAR
553.370-300-1 for distribution

PAGE 1 OF 1 PAGES

DATE OF ORDER 1/08/05	2. ORDER NUMBER	3. CONTRACT NUMBER EAC 05-67	4. A E4019698
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FOR OVERNMENT USE ONLY	5. ACCOUNTING CLASSIFICATION				6. FINANCE DIVISION		
	FUND 8035	ORG CODE TZM91100	B/A CODE 10	O/C CODE 25	AC	SS	VENDOR NAME
	FUNC CODE 000	C/E CODE 516	PROJ./PROS. NO.	CC-A	MDL	FI	GA DEBT
	W/ITEM	CC-B	PRT./CRFT		AI	LC	DISCOUNT

TO: CONTRACTOR (Name, address and zip code)

Job Serebrov
110 South Spring Street
Little Rock, AR 72206

Contact: Job Serebrov (501) 374-2176

EMPLOYER'S IDENTIFICATION NUMBER 114647486		9B. CHECK, IF APPROP <input type="checkbox"/> WITHHOLD 20%
CLASSIFICATION <input type="checkbox"/> A. SMALL BUSINESS <input checked="" type="checkbox"/> B. OTHER THAN SMALL BUSINESS <input type="checkbox"/> C. SMALL DISADVANTAGED <input type="checkbox"/> D. SMALL WOMEN-OWNED		
12. REMITTANCE ADDRESS (MANDATORY) Election Assistance Commission 5 New York Ave., N.W., Suite 1100 Washington, DC 20005		13. SHIP TO (Consignee address, zip code and telephone no.) Same as block 11

15. REQUISITION OFFICE (Name, symbol and telephone no.) Election Assistance Commission		18. DELIVERY F.O.B. POINT ON OR BEFORE 09/01/05	19. PAYMENT/DISCOUNT TERMS Net 30
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20. SCHEDULE					
ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Request to provide consulting services to the EAC to assist in the development of a Voting Fraud and Voter Intimidation Project. See the attached statement work for a description of the specifics. LABOR COST: \$50,000.00 TRAVEL COST: \$5,000.00 TOTAL COST OF CONTRACT: \$55,000.00				

RECEIVING OFFICE (Name, symbol and telephone no.) Election Assistance Commission (202) 566-3100		TOTAL FROM 300-A(s) \$55,000.00
SHIPPING POINT		GRAND TOTAL 55,000.00
23. GROSS SHIP WT.		
25A. FOR INQUIRIES REGARDING PAYMENT CONTACT: Diana Scott		25B. TELEPHONE NO. 202-566-3100
26A. NAME OF CONTRACTING/ORDERING OFFICER (Type) Gracia Hillman, Chair		26B. TELEPHONE NO. 202-566-3100
26C. SIGNATURE		

FEDERAL SERVICES ADMINISTRATION

1. PAYING OFFICE

GSA FORM 300 (REV. 2-92) 015144

PURCHASE ORDER TERMS AND CONDITIONS

552.229-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

2.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

2.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

Discounts for prompt payment will not be considered in the valuation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offers awarded contracts may include prompt payment discounts on individual invoices.

In connection with any discount offered for prompt payment, time will be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the teletype on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(2) . . . The due date for making invoice payments by the designated billing office shall be the later of the following two events:

(i) The 30th day after the designated billing office has received a proper invoice from the Contractor.

(ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

Name and address of the Contractor.

(i) Invoice date.

(ii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iii) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

(iv) Shipping and payment terms (e.g., shipment number and date of payment, prompt payment discount terms), Bill of lading number and date of shipment will be shown for shipments on Government bills of lading.

(v) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of shipment).

(vi) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remittance address" must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-206). Regulations and Interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)

(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-6 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.246-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

015145

ACT NUMBER E4019698; EAC CONTRACT NUMBER 05-67

Consulting Services to Assist EAC in the Development of a Voting Fraud and Voter Intimidation Project

Background

Section 241 of HAVA lists a number of election administration topics on which the U.S. Election Assistance Commission may elect to do research. In particular, Section 241(b) (6) and (7) state the two topics of nationwide statistics and methods of identifying, deterring and investigating voting fraud in elections for Federal offices; and identifying, deterring and investigating methods of voter intimidation. The EAC Board of Advisors has recommended that the EAC make research on these topics a high priority.

The EAC seeks to obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation. The EAC needs this consultant to conduct a preliminary examination of these topics to determine if a larger research project might be warranted. If so, the consultant would also be tasked to define the scope of the project and prepare a Statement of Work for the EAC to use for a subsequent competitive procurement. To promote a balanced and non-partisan approach to this effort, EAC is contracting with two consultants, who will work jointly to perform the work described below.

Nature of the Appointment

The EAC enters into this contract pursuant to its authority to contract for consultants under 5 U.S.C. §3109 (See 42 U.S.C. §15324(b)). As such this contract is for personal services and creates a limited employment relationship. (See 5 C.F.R. §304). As a result of this unique relationship, and pursuant to this agreement, you are required to follow all Federal laws and regulations as they relate to the release of agency documents and information, travel and conduct. All research, information, documents and any other intellectual property, (including but not limited to policies, procedures, manuals, and other work created at the request or otherwise while laboring for the EAC) shall be owned exclusively by the EAC, including copyright. All such work product shall be turned over to the EAC upon completion of your appointment term or as directed by the EAC. The EAC shall have exclusive rights over this material. You may not release government information or documents without the express permission of the EAC.

Supervision and Management.

The EAC Project Manager for this effort is Margaret Sims, EAC Research Specialist. Ms. Sims will provide taskings, and supervise, review and approve all work and performance.

015146

Period of Appointment, Compensation and Travel.

The period of appointment under this contract is estimated at six months. The appointment shall constitute intermittent appointment (without a regularly scheduled tour of duty) per 5 C.F.R. §340.401(b). The consultant shall not incur overtime. The consultants shall not receive automatic adjustments of pay based upon 5 U.S.C. 5303. The consultants are not eligible for sick and annual leave, nor compensation for work performed on federal holidays. The Consultant is expected to work 450 hours during the estimated six month appointment period. These hours must be distributed evenly over the period so that the Consultant is working approximately, but no more than 20 hours per week. The consultant shall be paid at a rate of \$111 per hour. The dates of performance are flexible but shall be based upon the needs of the project and the EAC. The project at issue is sought to be completed within the sixth month period. The period of appointment shall continue until the project, outlined below, is completed.

Consultant's duty station shall be his/her home or place of business. The consultant has access to and shall supply common office equipment to include telecommunications, internet, a computer, office supplies, facsimile machine and common workplace software (including Microsoft Word and Excel). Other resources will be provided by the EAC as needed and at its discretion.

The Consultant is required to travel on a periodic, as needed basis, throughout the duration of their appointment. All travel must be pre-approved by the EAC per Federal Travel Regulations and EAC policy. The Consultant will be reimbursed, at the Federal government rates, for hotel and ground transportation costs, proper incidental expenses, and per diem while on official, pre-approved EAC travel.

Areas of Responsibility

1. Develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections.
2. Using the description developed above, perform background research, including both Federal and State administrative and case law review, and a summation of current activities of key government agencies, civic and advocacy organizations regarding these topics. Deliver a written summary of this research and all source documentation.
3. Work in consultation with other EAC staff and the Commissioners to identify a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The Working Group will be provided with the results of Tasks 1 and 2 as background information. The consultant will be responsible for developing a discussion agenda and convene the Working Group with the objective of identifying promising avenues for future research by EAC.

015147

4. The consultant shall be responsible for creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future research resulting from this effort.
5. Should the EAC decide to pursue one or more of the recommendations made in the report noted above, the consultant will be responsible for defining the appropriate project scope(s) and preparing Statement(s) of Work sufficient for use in a competitive procurement.

Compensation Procedures

Compensation shall be made for work done by submitting invoices. Invoices shall be submitted on a monthly basis. These invoices shall state the number of labor hours that have been expended. Invoices shall be delivered to Ms. Margaret Sims for review and Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington DC 20005. Compensation for travel shall be submitted by travel voucher consistent with federal travel regulation and EAC requirements.

Termination

This consultant contract can be terminated without cause in advance of the current end date by two weeks' notice in writing by either of the parties.

Estimated Project Timetable.

Deliverable	Due Date
Project work plan	10 days after contract award
Progress reports	monthly
Description of voting fraud and voter intimidation	October 2005
Summary of background research and associated source documentation	January 2006
Convene working group	February 2006
Summary report describing findings and recommendations for future EAC research	March 2006
Statement(s) of Work for future research project(s)	TBD



U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIR

November 8, 2005

Mr. Job Serebrov
2110 South Spring Street
Little Rock, AR 72206

Via U.S. Mail and Facsimile Transmission
(501)682-5117

Dear Mr. Serebrov:

Enclosed is a signed personal services contract (EAC 05-67) in the amount for the provision of services to the U.S. Election Assistance Commission (EAC) in researching and developing a plan for a voter fraud and intimidation study. On or about September 1, 2005, an EAC employee communicated to you that EAC agreed to enter this personal services agreement with you. You began work based upon this notice of award. Despite the fact that the agreement was entered and communicated by an unauthorized person, EAC has reviewed the contract and concluded that ratification of this agreement is appropriate. EAC has ratified the agreement made with you on September 1, 2005. EAC has also received your first invoice for the period September 1 through September 30. That invoice will be reviewed and placed in line for payment.

To acknowledge receipt of this contract, please countersign and date below and return one copy of this letter to the attention of Nicole Mortellito.

We appreciate your work on these important efforts.

Sincerely,

Gracia Hillman
Chair

Job Serebrov

015149

**Deliberative Process
Privilege**

**Attorney-Client
Privilege**

Juliet E. Hodgkins/EAC/GOV
12/08/2006 04:38 PM

To Paul DeGregorio/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, "Davidson, Donetta"
<ddavidson@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Sheila A.
Banks/EAC/GOV@EAC, Elieen L. Collver/EAC/GOV@EAC,
Matthew Masterson/EAC/GOV@EAC, jlayson@eac.gov
bcc

Subject Draft response to Tova Wang

Commissioners,

Jeannie and I have collaborated on the following draft response to Tova Wang's letter. Please let me know if you agree or have comments/edits.



draft response to Tova Wang.doc

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

015150

December 8, 2006

Ms. Tova Wang
(Address)
(Address)

Dear Ms. Wang:

The U.S. Election Assistance Commission believes that voting fraud and voter intimidation are very important, complex topics that should be studied and reported on fairly and accurately. As a clearinghouse of election administration information, EAC is committed to providing complete and comprehensive information to the election community and the public.

In its December 2006 report on voting fraud and voter intimidation, EAC honored this commitment by providing the readers of its report with the full and complete summaries of every interview conducted as well as every book, article, report or case that was reviewed. It is incumbent upon us to provide them with the best and most complete data and research that we can. Rather than provide only the synopsis of these interviews, EAC provided the readers with the entire summaries created by the consultants so readers could reach their own conclusions about the substance of the interviews.

With regard to the interviews of two of the personnel from the Department of Justice, EAC made clarifying edits. Upon reviewing initial information about their interviews contained in the status report provided to the EAC Standards Board and EAC Board of Advisors and the information provided by the consultants at the working group meeting, those persons interviewed did not agree with certain characterizations of their statements contained in these materials. The Department of Justice is an important prosecutorial agency engaged in enforcing Federal anti-fraud and anti-intimidation laws. Thus, it was important to EAC to assure that the summary of their comments did not lend confusion to an already complex and hotly-debated topic.

Because of the lack of organization and cohesion in the draft provided by the consultants, that document would have led to greater confusion and division regarding the issues of voting fraud and voter intimidation. As such, EAC revised the draft report and provided the entirety of the supporting documentation to the public.

For these reasons, the report on voting fraud and voter intimidation will stand as adopted on December 7, 2006.

Attorney-Client
Privilege

Deliberative Process
Privilege

Juliet E. Hodgkins/EAC/GOV
12/08/2006 05:37 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Re: Draft response to Tova Wang

I can certainly do that. I was focusing on trying to use her own words against her.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Paul DeGregorio/EAC/GOV



Paul DeGregorio /EAC/GOV
12/08/2006 05:29 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
Subject Re: Draft response to Tova Wang

Julie,

The letter is good, but don't you want to point out that in every report we issue that the research provided by paid consultants/organizations is provided under contract to the EAC, who by law is ultimately responsible for any final report issued to the public. And that such reports always takes into consideration the research provided but the EAC is obligated to consider all factors when making determinations to insure fairness and integrity of the process.

Paul

Sent from my BlackBerry Wireless Handheld
Juliet E. Hodgkins
----- Original Message -----

From: Juliet E. Hodgkins
Sent: 12/08/2006 04:38 PM
To: Paul DeGregorio; Gracia Hillman; Donetta Davidson; Thomas Wilkey
Cc: Bert Benavides; Sheila Banks; Elieen Collver; Matthew Masterson; Jeannie Layson
Subject: Draft response to Tova Wang

Commissioners,

Jeannie and I have collaborated on the following draft response to Tova Wang's letter. Please let me know if you agree or have comments/edits.

[attachment "draft response to Tova Wang.doc" deleted by Paul DeGregorio/EAC/GOV]

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission

015152


1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

015153

**Deliberative Process
Privilege**

**Attorney-Client
Privilege**

Juliet E. Hodgkins/EAC/GOV
12/11/2006 03:50 PM

To Paul DeGregorio/EAC/GOV@EAC
cc "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC
bcc
Subject Re: Fw: Draft response to Tova Wang 

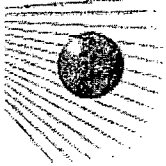
Commissioners,

Consistent with the changes requested by both Commissioners DeGregorio and Hillman, I have revised the draft response. Please take one more look at the letter. If possible, it would be nice to get this out today.




tova wang response 121106.doc

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Paul DeGregorio/EAC/GOV



Paul DeGregorio /EAC/GOV
12/11/2006 03:40 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC
Subject Re: Fw: Draft response to Tova Wang 

Julie,

I am ok with the edits Commissioner made to the letter; however, I do think that because of the tone of Tova's letter, which is likely to be supplied to others (as was their report to us). that we need a paragraph in the letter that makes it clear that the process used in producing this final report was consistent with the process we have used in all the reports and studies we have issued to date. What she needs to know (in writing) is that is that while we review the work of our researchers and consultants on a topic closely to draw various conclusions, our staff and the commissioners themselves have input into the final product that becomes the public report issued by a majority vote of the EAC. Since I've been on the EAC, we have consistently questioned statistics, statements and conclusions drawn by those doing work for the EAC. We have also drawn upon our collect resources and wisdom to produce the best report possible. I think that was true in this case as it has been with all the other reports we have issued. In the end, it is the EAC--and the commissioners in particular--who are held accountable for what we adopt and release; not our paid consultants or organizations we contract with to do studies.

Paul DeGregorio
Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005

015154

1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
12/11/2006 11:40 AM

To "Davidson, Donetta" <ddavidson@eac.gov>, Paul
DeGregorio/EAC/GOV@EAC
cc Gracia Hillman/EAC/GOV@EAC
Subject Fw: Draft response to Tova Wang

commisisoners,

See below edits that Gracia has offered to the letter. Let me know if you agree. I would like to send this out today. Also, in response to Gracia's question below, I believe that since her letter was addressed to the Commissioners that the Commissioners should respond (either collectively or through the Chairman). Please let me know if you agree with the edits. It would be nice to get this out today.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

— Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/11/2006 11:37 AM —



Gracia Hillman /EAC/GOV
12/11/2006 11:26 AM

To Juliet E. Hodgkins/EAC/GOV@EAC, jlayson@eac.gov
cc
Subject Re: Draft response to Tova Wang

Julie and Jeannie:

Thank you for the quick turn around on drafting a response to Tova Wang.

I have made substantial edits because I think the first draft offered too much information, which is not germane to Tova's complaint. Additionally, too much verbiage masks the strength of our good report and seemed to obscure the main points in our response.

I hope you will find the attached helpful.

BTW, who will sign the letter ?

[attachment "Tova Wang, Dec06.doc" deleted by Paul DeGregorio/EAC/GOV]

015155

Gracia M. Hillman
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, DC 20005
Tel: 202-566-3100
Fax: 202-566-1392
www.eac.gov

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Deliberative Process
Privilege

December 11, 2006

Ms. Tova Wang
c/o The Century Foundation
1333 H Street NW, 10th Floor
Washington, DC 20005

Via U.S. Mail and Facsimile Transmission
202-483-9430

Dear Ms. Wang:

We are writing in response to your December 7, 2006 memorandum. As you know, the U.S. Election Assistance Commission (EAC) issued its first report on election crimes last week, based in large part on the work that was done for EAC by Job and you. The report contains the full and complete summaries of every interview conducted as well as every book, article, report or case that was reviewed. Rather than provide the synopsis of these interviews, EAC provided the individual summaries so readers could reach their own conclusions about the substance of the interviews.

As the agency responsible for these final reports, it is incumbent upon EAC to assure that the information contained in the reports is accurate and fairly presented. With each of the reports, best practices documents, quick start guides, and other documents that EAC publishes, EAC makes changes as needed to make certain that our constituents are receiving the best and most complete information. This due diligence process is observed regardless of whether the document was created in-house or was created by consultants or contractors.

Upon reviewing initial information about the Department of Justice interviews contained in the status report that was provided to the EAC Standards Board and EAC Board of Advisors and the information provided at the working group meeting in May 2006, those persons interviewed at the Department of Justice did not agree with certain characterizations of their statements contained in these materials. Therefore, EAC exercised its responsibility to make clarifying edits. The Department of Justice is an important prosecutorial agency engaged in enforcing Federal anti-fraud and anti-intimidation laws. Thus, it was important to EAC to assure that the summary of their comments did not lend confusion to an already complex and hotly-debated topic.

015157

The report on voting fraud and voter intimidation will stand as adopted on December 7, 2006. Again, we thank you for the contributions you made to the EAC's initial research of these important issues.

Sincerely,

Paul DeGregorio
Chairman

Donetta Davidson
Commissioner

Gracia Hillman
Commissioner



HvonSpakovsky@fec.gov
04/11/2007 11:35 AM

To chunter@eac.gov
cc
bcc
Subject Fw: Voter ID and turnout

----- Forwarded by Hans von Spakovsky/FEC/US on 04/11/2007 11:35 AM -----

John Lo [REDACTED]

04/10/2007 09:00 PM

To HvonSpakovsky@fec.gov
cc
Subject Re: Voter ID and turnout

One option is why don't you have me or someone else who is doing research on voter ID debate them in a forum before the commission. As you know, I already have a study done on this issue and would happy to do it almost as soon as you wanted to set something up. I agree that unless you look at data over time you can't tell anything about the effect of the regulations.

On Apr 10, 2007, at Tuesday, April 10, 3:35 PM, HvonSpakovsky@fec.gov wrote:

John,

have you seen the controversy over the release of a study done under contract for the U.S. Election Assistance Commission on voter ID and turnout? Here is the link to the press release that the EAC put out about the voter ID study: http://www.eac.gov/news_033007.asp.

Basically, the EAC awarded the contract to individuals who had lots of prior writings indicating their opposition to any voter ID requirements. When they did the study, it apparently didn't come out showing what they wanted it to show, so they recast the numbers to come to the conclusion they wanted. The methodology they used is completely flawed, the most obvious problem being that they only looked at one election year and then compared the turnout in different states, completely failing to take into account the fact that different states have different turnout rates as a matter of historical and cultural trends. Comparing a state in the West that traditionally has very high turnout to a state in the South like Georgia that traditionally has much lower turnout to prove that Georgia's voter ID law must lower turnout is problematic when you don't look at or review longer term turnout trends in each state, particularly before and after an ID requirement is implemented.

015159

The point of my sending you this is that I think this study would be a great opportunity for you to do what you are very good at - analyzing the methodology used by the authors and pointing out its flaws. Apparently, there was a peer review conducted by some academics for the EAC who orally told the EAC that study was flawed.

This study is now being trumpeted as proof that voter ID hurts turnout, and if it is a flawed study, someone with your kind of reputation needs to point that out. If you are interested in doing this, Caroline Hunter, one of the new commissioners at the EAC, would be happy to provide you with whatever information you might need.

Hans A. von Spakovsky
Commissioner
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463
Tel. (202) 694-1011
Fax (202) 219-8493

=

015160

Peer Review Group

A draft of this report and the statistical analysis in its appendix were critiqued by a Peer Review Group. The comments of its members improved the quality of our work. While the Group as a whole and the comments of its members individually contributed generously to the research effort, any errors of fact or weaknesses in inference are the responsibility of the Eagleton-Moritz research team. The members of the Peer Review Group do not necessarily share the views reflected in our recommendations.

R. Michael Alvarez
Professor of Political Science
California Institute of Technology

John C. Harrison
Massee Professor of Law
University of Virginia School of Law

Martha E. Kropf
Assistant Professor Political Science
University of Missouri-Kansas City

Daniel H. Lowenstein
Professor of Law, School of Law
University of California at Los Angeles


Timothy G. O'Rourke
Dean, Fulton School of Liberal Arts
Salisbury University

Bradley Smith
Professor of Law
Capital University Law School

Tim Storey
Program Principal
National Conference of State Legislatures

Peter G. Verniero
former Attorney General, State of New Jersey
Counsel, Sills, Cummis, Epstein and Gross, PC

Margaret Sims/EAC/GOV
03/13/2007 02:31 PM

To Jeannie Layson/EAC/GOV@EAC
cc ddavidson@eac.gov, jthompson@eac.gov, twilkey@eac.gov
bcc
Subject Re: Voter ID, Fraud & Intimidation--Need your input 

Looks fine to me. Of course, she is probably referring to our decision not to release the consultants' draft final report. --- Peggy

Jeannie Layson/EAC/GOV

03/13/2007 02:25 PM

To jthompson@eac.gov, twilkey@eac.gov, psims@eac.gov, ddavidson@eac.gov
cc
Subject Voter ID, Fraud & Intimidation--Need your input

Hello all,

A columnist from the WaPo has asked for info about both the voter ID and the fraud and intimidation reports. This was prompted by the accusation that the president was concerned that the fired prosecutors were not aggressively pursuing voter fraud cases. She had heard that we were refusing to release this information, so I am trying to demonstrate otherwise, as well as show that we have discussed these projects numerous times in public meetings. Please take a look at my draft email to her and let me know if you have any suggestions. She needs to hear back from me by 4 p.m. Thanks for your help with this.

Ms. Cocco,

Per your questions, go [here](#) to view the testimony regarding voter ID from our Feb. 2 public meeting. As I mentioned, at this meeting EAC Chair Donetta Davidson requested that staff review the initial research provided by Eagleton and produce a final report, which would include recommendations for further study on this subject. Currently, staff is working to finalize the voter ID report.

Regarding the voter fraud and intimidation research, at a May 2006 public meeting of our Standards Board and Board of Advisors, the EAC project manager for this research presented a staff update on the project. Go [here](#) to view the agenda, page 3. The document you referred to was the update the project manager gave at this public meeting, and it has been made available to anyone who asked for it. The final culmination of this project can be found [here](#), and links to the attachments provided by the consultants are available by going to page 24 of this report. The commissioners adopted this report at a [public meeting in](#)

015162

Dec. 2006.

As a small agency of 23 employees, including the four commissioners, it is necessary for the agency to contract with consultants to gather the initial data for these projects. After EAC receives the initial data, the agency reviews the data for accuracy and then releases a final report.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015163

Karen Lynn-Dyson/EAC/GOV
01/30/2007 05:03 PM

To "John Weingart"
<john.weingart@rutgers.edu>@GSAEXTERNAL
cc
bcc Donetta L. Davidson/EAC/GOV
Subject Re: February 8th EAC meeting

John-

At the present, I envision my role will merely be to provide a chronology of the project and to provide a context to what has happened with the project and the reports, thus far.

All of the Commissioners will have read your final June 28, 2006 report on Voter Identification and will be addressing their questions to the material contained in that 32 page report and the appendices.

When, or if, I get additional information on the substance of the meeting I'll be certain to pass that information along.

Regards-

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"John Weingart" <john.weingart@rutgers.edu>



"John Weingart"
<john.weingart@rutgers.edu>

01/30/2007 04:55 PM

To "Karen Lynn-Dyson" <klynndyson@eac.gov>
cc
Subject February 8th EAC meeting

Karen - I understand you will be a panelist on the Eagleton/Moritz Voter ID study along with Tom O'Neill and Tim Vercellotti at next Thursday's EAC meeting. Could you let us know what you will be covering so we prepare comments that will not be redundant.

Thanks. I hope your new year is off to a good start.

John

--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

015164

Juliet E. Hodgkins/EAC/GOV
11/17/2006 09:40 AM

To Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, "Davidson, Donetta"
<ddavidson@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC
cc Elieen L. Collver/EAC/GOV@EAC, Sheila A.
Banks/EAC/GOV@EAC, Matthew
Masterson/EAC/GOV@EAC
bcc
Subject Meeting regarding draft voter fraud and intimidation report

Commissioners & Tom,

After checking all of your schedules, it appears that Wednesday, Nov. 29 in the morning is available for everyone. Let's set 10:30 as the time. I will reserve the small conference room. Will anyone other than Donetta be calling in?

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

015165

Jeannie Layson/EAC/GOV

11/28/2006 10:27 AM

To EAC Personnel

cc

bcc

Subject FOIA Request

History

 This message has been replied to.

Hello everyone,

I need each of you to respond affirmatively or negatively to the FOIA request below. If you have no documents in your possession related to this request, please reply to me with the words "no records." If you have records, please identify them in an e-mail reply and attach them to the e-mail. If the document is not electronic, hand deliver them to me. Also, if you believe any of these related documents should be withheld, please provide a brief memo stating the reason for your position.

I need this information and/or a response by COB December 5, 2006. If you cannot comply by this date, please provide notification and an estimated time when you will provide the information and the reason why you cannot comply by the original deadline. Thanks for your cooperation. See request below:

Wendy Weiser of the Brennan Center for Justice has submitted a FOIA request for the voting fraud report prepared by our consultants and the voter ID report, as well as the following information:

"In the event that the EAC denies my renewed request for the voter ID and voting fraud reports or delays another week in providing those materials, we respectfully request copies of (1) all requests for proposals and contracts relating to the voter ID and voting fraud reports; and (2) all written and electronic communications concerning the voter ID and voting fraud reports between the EAC and (a) the Eagleton Institute of Politics, (b) the Moritz College of Law, (c) Tova Wang, (d) Job Serebrov, and (e) any other individuals or entities, including but not limited to outside reviewers."

Please let me know if you would like a copy of the FOIA request.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015166



Elleen L. Collver/EAC/GOV
10/17/2006 05:06 PM

To Donetta L. Davidson/EAC/GOV@EAC
cc
bcc

Subject Re: Fw: NEED APPROVAL: Brennen Cen. letter

History:

This message has been replied to

by the way, i forwarded the commissioner's staff meeting materials to Trudie's aol account so you can print them out.

Elle L.K Collver
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, D.C. 20005
office: (202) 566-2256

www.eac.gov

Donetta L. Davidson/EAC/GOV

Donetta L.
Davidson/EAC/GOV
10/17/2006 04:57 PM

To "Elle Collver" <ecollver@eac.gov>
cc

Subject Fw: NEED APPROVAL: Brennen Cen. letter

Here is the time that I can do the phone call

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Donetta L. Davidson
Sent: 10/17/2006 03:54 PM
To: Jeannie Layson
Subject: Re: NEED APPROVAL: Brennen Cen. letter

Jeannie. My appointments are at 9 20 - 12 00 - 2 00. I could call him tomorrow at 9 DC time or about 6 DC time.
Let me know if that works.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Jeannie Layson
Sent: 10/17/2006 10:06 AM

015167

To: Paul DeGregorio; Gracia Hillman; Donetta Davidson
Cc: Thomas Wilkey; Margaret Sims; Karen Lynn-Dyson; Juliet Hodgkins; Gavin Gilmour; Bryan Whitener
Subject: NEED APPROVAL: Brennen Cen. letter

Commissioners,

I have not received input from everyone regarding the attached letter. It is a response to Wendy Weiser of the Brennan Center, who requested the staff voter fraud status report and the provisional voting draft report, both of which were presented to the Standards Bd. and the Bd. of Adv. at the May meeting. She also requested the draft voter ID report, which was not released at the May meeting. If possible, I'd like to get your input by the end of the day. The letter would go out under Tom's signature. Thank you.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015168



"Todd Rokita"

06/02/2006 09:38 PM

To ddavidson@eac.gov

cc [REDACTED] psokeson@sos.in.gov

bcc

Subject FW: Voter ID Law

History

☞ This message has been forwarded.

Donetta--- this is the person to whom the EAC is paying taxpayer money to perform dispassionate research on voter fraud? No wonder she has concluded for all of us that voter fraud (in person) really does not exist, except for maybe a few isolated places in the Midwest. If her report sees the light of day, I can almost guaranty problems. The fact that the report may have a co-writer does not solve this problem. She should not even be paid. There is a clear agenda behind her conclusions. I believe the credibility of the EAC is in question with your decision to hire this person and allow her to report on behalf of the EAC on either election fraud or voter intimidation. I would like a response from the Chairman that addresses this article. Thanks

Rumble in the Desert

Civil rights groups are challenging Arizona's Prop 200, which endangers voting rights for citizens.

Tova Andrew Wang

June 01, 2006

Article created by The Century Foundation.

Without a lot of fanfare, a very important lawsuit was filed last week by the Lawyers Committee for Civil Rights and other groups in Arizona. Finally, two years after the passage of the quite pernicious Prop 200, groups are finally taking serious action to combat it.

Basically an anti-immigrant measure, Prop 200 set out a bunch of restrictions on access to services for immigrants. However, with respect to voting rights, Prop 200 set up a situation blocking the right to vote for many *citizens* by requiring every person registering to vote to prove citizenship.

As the Lawyer's Committee describes it, Proposition 200 requires that that counties reject any voter registration application that does not include satisfactory proof of citizenship, such as a copy of the applicant's birth certificate, passport, a driver's license or non-operating identification license, but only if issued after October 1, 1996, a tribal identification card or naturalization documents. This even applies to voters who must re-register simply because they moved across county lines.

This measure is at least as damaging as many of the voter identification laws being passed and contemplated across the country. This stops someone from being part of the

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process before they've even gotten to square one. As I have repeatedly discussed with respect to ID laws, many voters are unlikely to have the required documentation and efforts to obtain the documentation will take time and money, therefore amounting to an unconstitutional poll tax.

Ironically, it has proven to be eligible voters who have been caught in the snare of this act. Last year in Maricopa County, home to Phoenix, more than 10,000 people trying to register were rejected for being unable to prove their citizenship. A spokeswoman for the recorder's office said most are probably U.S. citizens whose married names differ from the ones on their birth certificates or who have lost documentation. In Pima County, home to Tucson, 60 percent of those who tried to register initially could not. The elections chief said that all appeared to be U.S. citizens, but many had moved to Arizona recently and couldn't get their birth certificates or passports.

Moreover, Prop 200 is based on the idea that noncitizens are coming to the polling place and voting illegally. The premise is false. There is no evidence of any number of immigrants knowingly voting in the past in Arizona, and certainly it would seem unlikely when the last thing immigrants want to do in these times is draw official attention to themselves.

Finally, as the lawsuit persuasively argues, the measure also makes it virtually impossible for groups to conduct voter registration drives in Arizona. How many people go to the supermarket with their birth certificate?

The recent decision in Indiana upholding its draconian ID bill and the intolerance toward immigrants being displayed right now makes me worry about how the Arizona courts will respond. They upheld the Proposition in another context once before. But anyone who cares about the right to vote—for qualified, U.S. citizens—should hope that the law is struck down as the unconstitutional and anti-democratic measure it is.

Tova Andrea Wang is Democracy Fellow at The Century Foundation.

David R. Maxwell

Campaign Assistant

Todd Rokita

Secretary of State Reelection Campaign

47 South Meridian Street, Suite 200

Indianapolis, Indiana 46204

Direct: (317) 964 - 5027

[REDACTED]

[REDACTED]

015170

Bryan Whitener/EAC/GOV
05/10/2007 05:45 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola
Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC,
Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (5-10-07, Thurs)

Commissioners:

Today we had the following media inquiries:

(1) Leslie Robinson, a reporter for the news blog, ColoradoConfidential.com inquired about the rules and regulations that EAC board members must adhere to. She said that one of the EAC members from Colorado, Dan Kopelman, has recently been cited by the Secretary of State for his business of selling voter lists and consulting partisan candidates. She asked if these infractions cause Kopelman to withdraw from the EAC board. We explained that, according to SEC. 213 of the Help America Vote Act of 2002 (HAVA), there are two EAC Standards Board representatives from each state, that one is a local official, one is a state official and that both individuals represent their state on the Board. We said that the state representatives are selected by the Chief State election official from each state. We said that, with respect to Colorado, Mr. Kopelman was selected to serve on the Board by Colorado Secretary of State Michael Coffman. We suggested Ms. Robinson contact their office for questions regarding the appointment of state representatives from Colorado.

(2) Rose Marie Berger, Associate Editor of Sojourners/Call to Renewal, asked for the document on voter fraud authored by Tova Wang and Job Serebrov. We replied that our Inspector General is currently reviewing the circumstances surrounding this research and noted page two of the following memo from the chair. We said that when that process is complete we'll be glad to discuss it further. 04/16/07 - EAC Requests Review of Voter ID, Vote Fraud & Voter Intimidation Research Projects

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015171

Bryan Whitener/EAC/GOV
05/11/2007 06:18 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (5-11-07, Frid)

Commissioners:

Today we had the following media inquiries:

(1) Meg Cox, a freelance journalist in Chicago is working on an article about voter fraud and voter ID laws. She asked the following two questions:

- 1) Is the EAC still sending its "Elections Crimes" report to journalists who request the report on voter fraud and intimidation authored by Wang and Serebrov?
- 2) If the answer to #1 is yes, is the EAC still sending the "Election Crimes" report in these cases without comment--in other words, without indicating that it is not the Wang/Serebrov report?

We forwarded her questions to Curtis and replied to Ms. Cox that the chair has asked our Inspector General to review the circumstances surrounding this research project, as well as research done about voter ID. We said he has requested that EAC not comment on either one of these projects while his review is ongoing. We referred her to the following link: [here](#). and said we'd be glad to make sure she receives the IG's review when it is completed.

(2) Jenna Portnoy of the Doylestown Intelligencia in Bucks Co., PA called again to ask about EAC's progress in determining the status of Pennsylvania's 102 funds. She wants to know the amount of money, if any, that they will have to return. We said that EAC is still reviewing the certifications submitted by the states and we hope to have this process completed as soon as possible. We said we are also evaluating all the reports submitted by the states regarding their 101 and 251 funds expenditures.

015172

Bryan Whitener/EAC/GOV
05/14/2007 06:18 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (5-14-07, Mon)

Commissioners:

Today Meg Cox, a freelance journalist in Chicago, sent us the same two questions she sent us last Friday (see below). She had not been satisfied with our response. She is working on an article about voter fraud and voter ID laws. She said she is concerned that journalists are receiving a substitute report from EAC and not the real thing. We replied that we directed her to the one and only report adopted by EAC -- Election Crimes: An Initial Review and Recommendations for Future Study -- We noted that it contains clear language about the role of the consultants, identifies them by name and that their bios are included in the EAC report as Appendix D here. We said we would notify her when the IG has completed his review of this subject. We also noted the following contents of the report:

- Page one: "EAC staff along with two, bipartisan consultants reviewed the existing information available about voting fraud and voter intimidation, including reading articles, books and reports; interviewing subject matter experts; reviewing media reports of fraud and intimidation; and studying reported cases of prosecutions of these types of crimes.
- Page three: To accomplish these tasks, EAC employed two consultants, Job Serebrov and Tova Wang, who worked with EAC staff and interns to conduct the research that forms the basis of this report.
- Page four: The consultants drafted a report for EAC that included their summaries of relevant cases, studies and reports on voting fraud and voter intimidation as well as summaries of the interviews that they conducted. The draft report also provided a definition of voting fraud and intimidation and made certain recommendations developed by the consultants or by the working group on how to pursue further study of this subject. This document was vetted and edited by EAC staff to produce this final report.

###

BACKGROUND: Last Friday's Q&A.

Meg Cox, a freelance journalist in Chicago is working on an article about voter fraud and voter ID laws. She asked the following two questions:

- 1) Is the EAC still sending its "Elections Crimes" report to journalists who request the report on voter fraud and intimidation authored by Wang and Serebrov?
- 2) If the answer to #1 is yes, is the EAC still sending the "Election Crimes" report in these cases without comment--in other words, without indicating that it is not the Wang/Serebrov report?

We forwarded her questions to Curtis and replied to Ms. Cox that the chair has asked our Inspector General to review the circumstances surrounding this research project, as well as research done about voter ID. We said he has requested that EAC not comment on either one of these projects while his review is ongoing. We referred her to the following link: here. and said we'd be glad to make sure she receives the IG's review when it is completed.

015173

Juliet E. Hodgkins/EAC/GOV
05/02/2007 05:16 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, Rosemary E.
Rodriguez/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
cc Elieen L. Coliver/EAC/GOV@EAC, Sheila A.
Banks/EAC/GOV@EAC, "Fabre, Stacie"
[REDACTED], Stephanie

bcc

Subject Feinstein and Durbin letter

Commissioners and Tom,

There are several questions in the Feinstein and Durbin letter that I need your assistance responding to. Particularly, I need your responses as to question 1 for both the Voter ID study (page 4 -- numbered at the top) and Voting Fraud and Intimidation (page 5 -- numbered at the top). While these two questions actually say the same exact thing, I believe that the question under Voter ID was intended to refer to the Voter ID study and not the Voting Fraud and Voter Intimidation Study.

In addition, please look at questions 5 and 9 under Voting Fraud and Voter Intimidation. Each of these questions require information and documents that you may have. Last, if you have any input on the response to Question 10 under Voting Fraud and Voter Intimidation, please let me know.

I am currently working on the response and anticipate working on it tomorrow and Friday. I would appreciate any information that you may have.



Feinstein and Durbin letter.pdf

Juliet T. Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

015174

United States Senate**WASHINGTON, DC 20510****April 12, 2007**

The Honorable Donetta Davidson
Chairman
U.S. Election Assistance Commission
1225 New York Avenue, N.W.
Suite 1100
Washington, DC 20005

Dear Commissioner Davidson:

We are writing to seek a response to very troubling news reports that included allegations that the Commission may have altered or delayed release of two taxpayer-funded studies of election issues for political purposes.

While the Commission is within its rights to decide what guidance it issues to election officials, it is critical that its actions are not perceived as politically motivated and it is imperative that you provide full documentation about the Commission's proceedings on these matters.

On Wednesday, the *New York Times* reported that a bipartisan team of election law experts hired by the Commission to research voter fraud in federal elections found that there was little such fraud around the nation, but the Commission revised the report to say that the pervasiveness of voter fraud was still open to debate.

On Monday, *Roll Call* reported that the Commission two weeks ago rejected the findings of a report, prepared as part of a \$560,000 contract with Rutgers University's Eagleton Institute and Ohio State University's Moritz College of Law. That report found that voter identification laws may reduce election turnout, especially by minorities.

015175

Commissioner Davidson

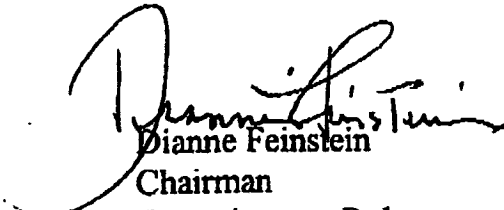
- 2 -

April 12, 2007


It is imperative that the Commission's actions and deliberations are unbiased, free from political influence and transparent. While the Commission does not have to agree with the experts who perform its research, it should make the research available unfettered and unfiltered.

Attached are a series of questions, we would like the Commission to address. We look forward to your timely response.

Sincerely,



Dianne Feinstein
Chairman
Committee on Rules
and Administration



Richard J. Durbin
Chairman
Subcommittee on Financial
Services and General
Government
Committee on Appropriations

015176

We request information and documentation from the Commission that answer the following questions:

COMMISSION'S OVERSIGHT ON EAGLETON CONTRACT TO PERFORM A STUDY ON VOTER IDENTIFICATION

1. Did the Commissioners or Commission senior staff receive any outside communication or pressure to change or not release the entire draft report or portions of the draft language on the voter fraud report? If so, who made those requests?
2. Would you please provide a copy of the approved Request For Proposals, as well as any contract modifications that were agreed to between the Commission and Eagleton Institute and subcontractors?
3. Can you provide the names and qualifications of Election Assistance Commission staff that worked on the Eagleton Institute project?
4. Please indicate how many project meetings occurred during the term of the Eagleton contract, including in-person meetings, conference calls regarding the status of the report, and any meeting where Commissioners were present for at least part of the meeting. Please provide copies of any minutes from those meetings.
5. Please identify the names and affiliations of members of the Peer Review group or groups that examined the Eagleton Institute drafts. Please also indicate the dates upon which any such review of the Eagleton research was conducted, and the specific concerns or complaints that were raised by members of the Peer Review group as to either the analysis or statistical methodology, if any. Please provide copies of any minutes from those meetings.
6. If certain members of the Peer Review groups had concerns with the data or methodology of the Eagleton study, was that information communicated to Eagleton, and were any changes made to the study based on Peer Review group concerns with methodology or data?
7. Who were the individuals (and what were their academic qualifications) that advised the Commission that the data, methodology, or the results of the Eagleton Contract were so flawed that the Commission should reject the report? At what point did the Commission receive input from those individuals?

8. The Commission previewed its research on the Eagleton Institute's study on Provisional Voting at its May 2006 Advisory Board meetings—why was the Voter Identification Draft Study not discussed at that time? What is the status of the Provisional Voting report?
9. In rejecting the Eagleton report, the Commission indicated concerns that there was only one year's worth of data. Given that this was the first year that Commission had studied the results, isn't "one year" what was originally contemplated in the Eagleton contract? Isn't the reason for having a major research institute conduct this study is so they can draw initial assessments from that data—even though that data can be augmented in future years? Because of the rejected report, will the Commission start anew for research in the 2008 elections?
10. What was the final, total cost of the Eagleton contract, and what was produced or released by that Commission as a result of that contract?

COMMISSION'S OVERSIGHT OVER VOTER FRAUD/INTIMIDATION STUDY

1. Did the Commissioners or Commission senior staff receive any outside communication or pressure to change or not release the entire draft report or portions of the draft language on the voter fraud report? If so, who made those requests?
2. Given the bipartisan nature of the Working Group that guided the Voter Fraud/Intimidation report, and the bipartisan nature of the contracted experts who uniformly support the results of this report, what concerns lead the Commission to determine the report should not be released?
3. If there were points in the report that the Commission objected to, were there attempts to work with the contractors to deal with specific concerns? If there were such attempts, please describe them.

4. Who drafted the Commission summary (released in December, 2006) of the Voter Fraud/Intimidation report, and what were their credentials and involvement in the original research process? Were there instructions or guidance given from Commissioners or senior staff as to what portions of the research should be emphasized? Who at the Commission reviewed the summarized report? Since the contracted experts are referred to in the Commission's released report, were the contractors allowed a chance to review or edit that Commission's final report that was released in December, 2006?
5. Please provide copies of any electronic or written communications between Commission employees that relate to the editing of the Voter Fraud/Intimidation report.
6. Please explain what Mr. Job Serebrov was referring to in his email referenced in the *New York Times* article of April 11, 2007. Please provide any documents in the Commission's possession where employees or contracted experts discussed pressure, political sensitivities, or the failure of the Commission to adopt the Voter Fraud/Intimidation report from March 1, 2006 to present.
7. While we realize that the Commission voted to release its summary report in December 2006, was there a public vote taken to reject the Draft Voter Fraud/Intimidation report? Such a monumental decision to reject the contract experts' work is a policy decision, and one that should be done in public. When was the decision made to reject the original report, and what notice was provided to the public that the Commission would reject that report?
8. Prior to the Draft Voter Fraud/Intimidation report's release, had other organizations requested a copy of that original report? Please include copies of your responses to those organizations, if any.
9. Had any States requested that the Commission or staff provide guidance related to voter identification requirements in the Help America Vote Act, or identification requirements generally? Please provide those requests, and any responses from the Commission.
10. Please indicate what steps the Commission is taking to ensure that political considerations do not impact the agency's research and that decisions are handled in a public and transparent manner.

Jeannie Layson/EAC/GOV

04/27/2007 04:54 PM

To EAC Personnel

cc

bcc

Subject Voter ID and Vote Fraud and Voter Intimidation IG Review Update

Hello everyone,

The chair wanted to distribute the attached memo from the IG, which contains guidance about how we proceed during the review of the voter ID and the vote fraud and voter intimidation research projects. She will continue to keep staff informed as this review moves forward, and she thanks everyone for their continued cooperation and hard work.



IG Memo to Chair on Review of Studies (4-27-07).pdf

Jeannie Layson
U.S. Election Assistance Commission
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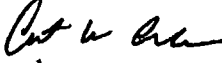


U.S. ELECTION ASSISTANCE COMMISSION
OFFICE OF INSPECTOR GENERAL
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

April 27, 2007

Memorandum

To: Donetta Davidson
Chair, U.S. Elections Commission

From: Curtis Crider 
Inspector General

Subject: U.S. Election Assistance Commission Activities Pending the Office of Inspector
General Investigation of the Voting Fraud and Voter Intimidation Report

In your letter of April 23, 2007, you requested my comments concerning several activities that the Election Assistance Commission (EAC) was considering to undertake pending our review of the Voting Fraud and Voter Intimidation Study and on related questions. My responses to your proposed activities and questions follow:

1. The EAC would like to prepare a summary of the differences between the draft report prepared by the consultants and the final report adopted by the EAC.

Answer: We believe that such a summary will be helpful to our investigation. Please provide us with a copy of the summary of differences upon its completion.

2. Would there be any prohibition against the Director of Communications speaking with EAC employees, consultants or working group members when questions arise from members of the press or under the Freedom of Information Act?

Answer: We are not aware of any prohibition. However, we suggest that EAC not comment or limit its comments on this matter because of the ongoing investigation. Any FOIA requests should be promptly responded to stating that the matter is under investigation. Once the investigation is completed, appropriate information should be made available to the FOIA requester.

3. Would there be any prohibition against EAC briefing members of the EAC Standards Board and the EAC Board of Advisors.

Answer: We are not aware of any prohibition. Our preference, however, would be that EAC allow the investigation to be completed before conducting any briefings.

4. Would there be any prohibition against gathering information related to this project in order to respond to inquiries that have been made by members of Congress?

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Answer: We are not aware of any prohibition. As previously stated, our preference is that there are no public comments while the investigation is in process or that comments be limited. However, we appreciate the sensitivity of Congressional requests, EAC must decide how best to proceed in this matter. We ask that you share any proposed responses with us prior to their release and that you provide us with a copy of final responses and any attachments.

5. Would there be any prohibition against responding to an inquiry that the Commission has received from an attorney engaged by one of the consultants?

Answer: It is the EAC's decision whether to respond to the attorney for the consultant. We prefer that the consultants not be released from the confidentiality clause of their contracts until the OIG has completed its investigations.

We understand that EAC will want to respond to criticism of its handling of the Voter Fraud and Intimidation Study, and that management must ultimately decide how best to proceed. Our preference would be that you attempt to defer commenting until we have finished our investigation.

I appreciate you raising these matters to me before acting. Please feel free to contact me if you have any questions about this memorandum.

Curtis Crider/EAC/GOV

04/23/2007 02:27 PM

To EAC Personnel

cc

bcc

Subject documentation for evaluation

All:

The Office of Inspector General has initiated an evaluation of the contracting process used by the EAC for the voter fraud and voter intimidation projects. In order for us to complete our evaluation, we need copies of all e-mails or other documents that you have regarding either project. Electronic documents can be sent to an e-mail account that we have set up- eacon@eac.gov. If you have any hard copy documents, please let me know.

If you do not have any documents or e-mails, please send me an e-mail to that effect.

Thank you,

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

Important: This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

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Bryan Whitener/EAC/GOV
04/23/2007 11:25 AM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject CQ WEEKLY article today - Election Board Facing Votes of No Confidence

History

This message has been forwarded

Commissioners:

We just accessed the following article that appears today in Congressional Quarterly's CQ WEEKLY.



wr20070423-17election-cht.pdf

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Election Board Facing Votes of No Confidence

CQ WEEKLY - IN FOCUS
Congressional Quarterly
April 23, 2007 - Page 1164
By David Nather, CQ Staff

After the turmoil over the 2000 presidential election, Congress created a bipartisan commission that was supposed to do nice, non-controversial things: hand out some federal grants, do some studies, certify voting machines, promote voting practices that seem to work well.

Instead, the Election Assistance Commission is now surrounded by controversy and tough questions. And the same lawmakers who could barely be bothered to pay attention to its creation four years ago are putting it under the microscope now.

Democrats were enraged by the commission's handling of a report on voter fraud – the panel ordered up the report (which found little evidence of fraud), sat on the document for several months, then released a rewritten version that concluded “there is a great deal of debate” about how much voter fraud takes place. Republicans have contended that voter fraud is a big problem and benefits Democrats.

A second commission report on voter identification laws found that the laws can reduce turnout, particularly among Hispanics. The panel delayed releasing that report for months, then made it public even while refusing to endorse its conclusions.

Voting rights groups have criticized the commission's handling of the reports, and two powerful Democratic senators – Dianne Feinstein of California, who chairs the Rules and Administration Committee, and Majority Whip Richard J. Durbin of Illinois, who chairs the Appropriations subcommittee that funds the commission – have asked the panel to answer a barrage of questions. More than anything, they want to know whether the commission received “any outside communication or pressure” to delay or change the reports.

The controversy has put a harsh spotlight on the commission in recent weeks, but it's hardly the only case where the panel's actions have gotten it into trouble. Last year, the commission angered Arizona's secretary of state when it refused to grant the state permission to require voters to provide proof of citizenship when they registered by mail using federal forms. Secretary of State Jan Brewer, a

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Republican, called the decision "inexcusably wrong" because Arizona's voters called for the requirement in Proposition 200 and because the Department of Justice had approved it.

On top of it all, secretaries of state have been suspicious of the commission all along, fearing that it would turn into yet another federal regulatory agency. The National Association of Secretaries of State called for the commission to be abolished after the 2006 election, since its three-year authorization expired at the end of fiscal 2005. New Hampshire Secretary of State William Gardner, a Democrat, urged the group to take that position because, he said, "I could see what could potentially be coming. . . . I remember when the Federal Election Commission was basically a clearinghouse as well."

These are a lot of pressures for a four-member commission with a staff of 19 and an operating budget of just over \$11 million, which got so little attention from Congress that it took a year before its first four members won Senate confirmation. The commission also has strict limits on what it can do under the 2002 election overhaul law that created it. Among other things, it's not supposed to be a regulatory agency – though it does have some authority under the National Voter Registration Act of 1993, the "motor voter" law that was at issue in the Arizona dispute.

'We Took On Too Much'

Donetta L. Davidson, the Republican who in January became the commission's third chairman, says she takes seriously the questions about the reports on voter fraud and voter identification. The commission has referred the issue to its own inspector general, asking him to take a hard look at the panel's contracting procedures for outside research projects. "We want to be as transparent as possible," Davidson said.

But Davidson, who was previously Colorado's secretary of state, says the biggest problem was that the commission may have been trying to move too many reports with a small staff that mostly works with outside contractors rather than producing its own research. "I think that was our biggest mistake – being too aggressive," she said. "We just took on too much."

That explanation won't quiet the criticism. House Majority Leader Steny H. Hoyer, a Maryland Democrat and one of the authors of the 2002 law, is concerned that the commission "may have mishandled taxpayer-financed reports" and has called for hearings, said spokeswoman Stacey Farnen Bernards. Feinstein's committee already has an oversight hearing tentatively scheduled for June.

Voting rights groups are highly suspicious of the commission's actions, though there is no evidence the administration interfered with the reports. Jonah Goldman, director of the Lawyers' Committee for Civil Rights Under Law, said it "just seems a little too convenient that there's no political motive" given that the administration reportedly fired some U.S. attorneys because they were not aggressive in prosecuting alleged voter fraud.

And even those who don't subscribe to a political conspiracy find fault with the commission's handling of the reports. "I think they're just trying to avoid controversy, and trying to avoid controversy is not what we need right now," said Richard L. Hasen, an election-law expert at Loyola Law School in Los Angeles. "With all the problems we're having with elections in this country, we need bold leadership, and they're not providing it."

Congressional Alarm Bells

Davidson insists that the commission doesn't shy away from controversial subjects. "That's our job," she said. Indeed, the law spells out a list of reports the commission is supposed to produce, and they touch on nearly every hot-button election issue imaginable: ballot designs, voter registration methods, recount procedures, the handling of misinformation about election times and locations, and even proposals to make Election Day a holiday.

Much of the commission's other work is advice and testing of voting systems. In 2005, it published

guidelines that dealt with security issues, paper audit trails, and accommodations for voters with disabilities. And last year, it started testing and certifying voting systems in preparation for the 2008 election.

Still, the way the voter fraud and identification reports were handled and the possibility that the Justice Department influenced the reports have alarmed some members of Congress.

That issue won't be settled until the hearings have been held and the inspector general's office has issued its report. But the back story of one incident with the voter fraud report – in which two Justice officials secured changes to the summaries of their interviews for the report – suggests the department was more than a bystander in the voter fraud study.

In the appendix, which summarizes all of the expert interviews conducted for the fraud report, two Justice officials' interviews are included: Craig Donsanto, director of the Election Crimes Branch of the Public Integrity Section, and John Tanner, chief of the Civil Rights Division's Voting Section. In both cases, a footnote declares that "this interviewee did not agree with the consultants' interpretation of his interview comments" and that the commission made "clarifying edits." No such note accompanies any of the other expert interviews.

Donsanto got to see the summary of his interview because he was a technical adviser to the working group. He thought the summary erroneously implied that his unit didn't pursue systematic fraud schemes anymore, only individual cases like voting by felons and non-citizens. He worried that civil rights groups would think their constituencies were being singled out. Peggy Sims, an election research specialist at the commission who managed the project, agreed and had it changed.

Tanner took issue with the suggestion that he had said the Department of Justice wasn't pursuing voter-suppression cases anymore, and provided examples of cases where it was doing just that. His remarks were corrected.

Sims said that neither Donsanto nor Tanner got to weigh in on the entire report before it was released.

Such controversies are inevitable given that some lawmakers are worried about political influence on the commission and others are concerned it might grow too powerful. Elections are emotional, and even a bipartisan panel will have disagreements. When the four commissioners tried to revisit the Arizona decision, for instance, they deadlocked on party lines, something that also happens periodically to the bipartisan Federal Election Commission.

But the commission can go a long way, voting rights groups say, simply by operating with more transparency and establishing more written procedures for making decisions. "It is a relatively young agency," said Wendy R. Weiser of the Brennan Center for Justice at the New York University School of Law. "But they've been around long enough that this is no longer acceptable."

Davidson said more transparency and better procedures are her goals as well. "Definitely I hear what Congress is saying," she said. "We're a bipartisan commission, and we want to do the right thing." Now, in a year when lawmakers say they're trying to improve oversight, it's up to Congress to decide whether it is interested enough in its own creation to help the commissioners do the right thing.

FOR FURTHER READING: Voter fraud and U.S. attorneys, CQ Weekly, p. 968; commission's creation, 2003 CQ Weekly, p. 3059; election law (PL 107-252), 2002 Almanac, p. 14-3; motor-voter law (PL 103-31), 1993 Almanac, p. 199. Source: CQ Weekly. The definitive source for news about Congress.

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Who's Who on the Commission

The Election Assistance Commission was created in 2002 to help states comply with federal rules and to set standards and distribute grants for voting equipment. Its members, two from each party, are nominated by the president and confirmed by the Senate to four-year terms that are renewable once.



Donetta L. Davidson (Republican) was appointed in 2005 and is the current chairwoman. She had been Colorado's secretary of state for six years and before that state elections director and a county clerk in suburban Denver. Her term expires in December.



Gracia M. Hillman (Democrat) is a longtime figure in the voting rights movement and a former executive director of the League of Women Voters. She was president of a Washington consulting company when appointed in 2003. Her term expired in 2005, but she is serving until a replacement is named.



Caroline C. Hunter (Republican) was deputy director of the White House Office of Public Liaison when President Bush appointed her in 2007. She is a former attorney for the Republican National Committee and ombudsman for the Bureau of Citizenship and Immigration Services. Her term expires in February 2011.



Rosemary E. Rodriguez (Democrat) was finishing her third year on the Denver City Council when she was appointed in 2007 to replace Ray Martinez, who resigned. She had previously been Denver's city clerk and director of boards and commissions for the mayor. Her term expires in December.